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ARTHUR CLEVELAND COXE.

SEE APPENDIX, P. 381.



PUBLICATIONS  
OF THE  
BUFFALO  
HISTORICAL SOCIETY

VOLUME IV



PUBLISHERS  
THE PETER PAUL BOOK COMPANY  
BUFFALO, NEW YORK  
1896



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BUFFALO HISTORICAL SOCIETY

1896

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EDITOR OF PUBLICATIONS, VOL IV.

FRANK H. SEVERANCE.

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## PREFACE

IN 1879, after an existence of seventeen years, the Buffalo Historical Society issued its first volume of Publications. Its available material consisted of historical papers which had been read at Society meetings, and of letters and other documents gathered in its archives. A publication committee, consisting of Orsamus H. Marshall, E. S. Hawley and the Rev. A. T. Chester, D. D., in conjunction with Messrs. Bigelow Brothers, publishers, issued a prospectus inviting subscriptions, and were encouraged by the response to undertake the work, which was issued in parts, at twenty-five cents a number. Completed, Volume I. gave such satisfaction that in 1880 Volume II. was issued in like manner. Both volumes were edited by the Rev. Albert Bigelow, Corresponding Secretary of the Society. The work in all respects was admirably done. The two volumes, containing upwards of eight hundred pages, soon became scarce, have long been out of print and now command a high price whenever by chance copies are offered for sale. They are not esteemed too highly, for they contain records of early Buffalo, Erie Canal papers, memoirs of pioneers and reminiscences of various early phases of life on the Niagara frontier, of real importance to the student but nowhere else preserved.

In 1885 the Society published a volume of one hundred and seventeen pages, entitled "Red Jacket," giving an account of the re-interment, October 9, 1884, of the remains of that worthy and of other chiefs. This work was called "Transactions of the

Buffalo Historical Society, Volume III.," although no other "Transactions" had ever been published, the presumed intent being to continue the series begun in 1879. To avoid further confusion, therefore, the "Red Jacket" "Transactions" is here regarded as Volume III. of the Society's "Publications," and the present collection is numbered "Volume IV."

The aim of the publication committee in preparing this volume has been to put into print some of the more valuable papers which have been submitted to the Society from time to time—formerly at "club meetings," but of recent years at gatherings in its rooms to which the public are invited. Although there is wide variety in the subjects, yet several of the papers may be grouped as annals of war and trade, or chronicles of commerce, in Buffalo before the burning of the village, December 30, 1813. To this group belong "The Adventures and Enterprises of Elijah D. Efner," "The Early Firm of Juba Storrs & Co." and to a less extent, the narratives drawn from the journals of John Lay and the papers on Judge Wilkeson. Obviously, the unpublished material relating to Buffalo prior to its burning, is meager; and it was thought well to bring these papers together in this volume, thus giving it, in some degree, a definite character, even as the papers on early transportation, the Inland Lock Navigation Co. and the Erie Canal give character and peculiar value to Volume II.

The use of certain memoirs and reminiscences of chiefly local interest is justified by the primary character of these Publications. Other papers there are, of general interest; among them, Mr. Bird's "Reminiscences of the Boundary Survey," "The Free Soil Convention of '48," by John Hubbell and "The Flint Workers," by Dean Harris. Of notable value are Mr. William Clement Bryant's paper on "Captain Brant and the Old King," and the study of the "Development of Constitutional Law in

New York State," by the Hon. Henry W. Hill. Mr. Bryant, who it is believed was the first member of the Society to go to that rich mine, the Canadian Archives, for data illuminating the history of our region, has rendered no slight service to the cause of truth by showing the real relations of Brant and Old King and the part which each bore in the much misrepresented affair of Wyoming. Mr. Hill's paper is not merely a chronicle of Colonial charter rights, and the work of the several Constitutional Conventions held in New York State, but is a most painstaking treatise on the development of Constitutional law within our Commonwealth, and of the ever-increasing scope and fixity of popular rights under the Constitution. None will better appreciate its value than its most capable critics, experienced members of bench and bar, and especially Mr. Hill's coadjutors in the Convention of '94.

Other papers in this volume, including the "Documents and Miscellany" of the Appendix, offer variety, perchance something of entertainment, and it is hoped, much which will be deemed of worth, to the reader who even casually gives heed to the things of the past, out of which our community of the present has sprung.

The use of a portrait of the late Bishop Coxe as frontispiece is abundantly justified, not merely by his eminence in the community, in the labors of his church and in the world of letters, but also by the fact that he was for many years an active member of this Society. The other illustrations, courteously placed at the service of the Society by Messrs. George E. Matthews & Co., proprietors of the *Illustrated Express*, in which journal they originally appeared, add interest to the articles which they accompany.

As a whole, the volume is at least an evidence of vitality on the part of the Buffalo Historical Society; and it is hoped its

reception by the public may warrant an early publication of a succeeding volume, for which much unpublished material of historic consequence is available.

F. H. S.



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REMINISCENCES OF  
THE BOUNDARY SURVEY

BETWEEN THE UNITED STATES AND  
BRITISH PROVINCES.

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READ BEFORE THE SOCIETY, FEBRUARY 1, 1864.

---

BY WILLIAM A. BIRD.\*

The line which is now the boundary between the United States and the British provinces was first established by Royal proclamation Oct. 7, 1763, and confirmed by an act of Parliament in 1774, fixing the limits of "the Province of Quebec."

The 45th parallel of latitude was ascertained and monuments placed on Lake Champlain "about two and one-half miles north of Windmill Point," by Sir Henry Moore, Governor of New York, and by the Commander-in-Chief of the province of Quebec, in the year 1766, confirmed by an order in Council in 1768 and the line ordered to be run between the provinces.

---

\* William A. Bird, born in Salisbury, Conn., March 23, 1796, died in Buffalo, Aug. 19, 1878. "In 1817, he engaged in the service of the Boundary Commission to establish the line between the United States and British America, his uncle, Gen. Peter B. Porter, being the chief Commissioner on the part of the United States. He began his labors as Secretary of the Commission near St. Regis, and so continued until 1819, when he became the head of the surveying party and continued his service . . . until the entire survey to the waters of Lake Superior was completed." From 1818 he made Buffalo (Black Rock) his home, and in 1820 built the substantial brick house now No. 1118 Niagara Street, which was his home for 58 years.—For sketch of his life, by Hon. Lewis F. Allen, see "History of the City of Buffalo," etc., edited by H. P. Smith, (Syracuse, 1884), Vol. 1., pp. 699-701.

This was the line intended to be described as the boundary by the Treaty of Peace in 1783, and by that treaty the line was extended westward and northward to the northwest angle of the Lake of the Woods.

The Treaty of Peace of 1814 at Ghent followed the same line of boundary intended by the Treaty of 1783, referring throughout to the true intent and meaning of that treaty.

The treaty at Ghent provided for the survey and determining of the line as follows:

By the fourth article a Board of Commissioners was created of one commissioner to be appointed by each Government, to decide on and establish the line in the Bay of Fundy and Passamaquaddy Bay. Thomas Barclay was appointed on the part of Great Britain and John Holmes of Maine by the United States.

By the fifth article another Commissioner was empowered to establish the boundary "from the source of the River St. Croix, north to the northwest angle of Nova Scotia; thence along the Highlands which divide the waters that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean, and to the northwestern head of Connecticut River, thence down that stream to the 45th degree of latitude, and on that west to the river Iroquois or St. Lawrence." Cornelius Van Ness of Vermont was the Commissioner on the part of the United States and Thomas Barclay on the part of Great Britain. These two Commissions met first at St. Andrews in November in 1816.

The sixth article provided for a third Board of Commissioners to ascertain and decide upon the line from the point where the 45th parallel of latitude strikes the St. Lawrence, up through the middle of that river, Lake Ontario, the Niagara River, Lake Erie, Detroit River, Lake and River St. Clair, and through Lake Huron to the St. Mary's River. General Peter B. Porter was appointed Commissioner by the United States, and Colonel John Oglevie of Montreal on the part of Great Britain. Colonel Oglevie died at Amherstburgh in October, 1819, and was succeeded by Anthony Barclay of New York, since Consul-General of the British Government to the United States.

The seventh article provided that the same Board of Commis-

sioners, after having settled and agreed on the line under the sixth article, should proceed to fix and determine the line "according to the true intent and meaning of the Treaty of 1783," from Lake Huron to the northwest angle of the Lake of the Woods, and to cause such parts to be surveyed as should be required.

The eighth article authorized the same Boards of Commissioners to appoint secretaries and such surveyors and other persons as they should judge necessary; to make duplicates of their maps, reports, statements and accounts, and deliver them to the agents of the two Governments, who should be appointed to manage the business on behalf of their respective Governments.

The Commissioners, secretaries and surveyors were all sworn to perform their respective duties impartially, without regard to their nationality. The agents were considered the advocates or attorneys for the Governments by which they were appointed.

The Commissions under the fourth and fifth articles, although they agreed to certain parts of the line in the Bay of Fundy and River St. Croix, could not agree upon that part from the River St. Croix to its intersection with the 45th parallel, nor upon that parallel, which proved to be considerably south of the line as before run and marked. They therefore "agreed to disagree" upon the whole line.

By the terms of the Treaty the agreement and decision of the Commissioners was final and conclusive; but in case of disagreement the questions were to be submitted to some friendly Power as arbiter. This portion of the boundary was therefore submitted to the King of the Netherlands as arbiter, who made an elaborate report and decision in January, 1831, which, however, was not satisfactory to either party, and was protested against by the American Minister at the Hague, on the ground principally that the arbiter had described a line not in the Treaty and therefore not delegated to him by the high contracting parties. The award therefore became of no account.

That boundary remained unsettled and a source of contention and ill-feeling, which came near involving the two Governments in serious collisions, until 1842, when it was finally settled by the "Washington" or Webster-Ashburton Treaty.

In May, 1817, the persons who were to compose the parties under the sixth and seventh articles of the Treaty, assembled at St. Regis, near where the 45th parallel of latitude meets the St. Lawrence, and soon encamped on an island opposite that village. The two camps, the British and American, were separate; and the persons in each were the Commissioner, secretary, the surveyors, steward, cook, waiter, boatmen and axmen, numbering about twenty. It was agreed that each party should survey separate sections of the rivers and lakes joining their work on a common base to be agreed on and measured by the surveyors of both parties together. Thus after measuring a base, one party surveyed ten or fifteen miles to a convenient place to measure another base from, which the other party would commence, and in like manner the whole line was surveyed. Four maps were made of each section, one for each Government and one for each Commissioner.

The starting-point was first to be ascertained, and in addition to the means we had for fixing that point, the Commission was much indebted to Andrew Ellicott, then a professor at West Point, who came at the request of the Government, with his rude but remarkably accurate "Zenith Sector" of seven feet radius, constructed by David Rittenhouse of Pennsylvania and himself. Mr. Ellicott continued his observations and remained with the party about six weeks, while the camp was at St. Regis.

The survey was trigonometrical and the distances between ascertained points were carefully delineated by the draftsman. Measurements, observations and notes were taken during the summer and the calculations and maps were prepared in the winter. Soundings were made in all places where a doubt might exist as to the navigable channel, or the relative quantities of water in the several channels.

A complete and perfect survey was thus made of the River St. Lawrence into and to include all the islands in the northerly end of Lake Ontario, and of the Niagara River, to Lake Erie; of the western end of Lake Erie from a line extending from Sandusky Point to Point Pelee and thence continuous, through the Detroit River, Lake and River St. Clair to Lake Huron, and of the northern end of Lake Huron from the Big Manitou Island

to the Neebish Rapids at the outlet of the River St. Mary's, which was decided to be the end of the sixth article. The principal points on Lake Huron were established by astronomical observations.

In continuing the survey under the seventh article, from Lake Huron, a perfect survey was made of the St. Mary's River to Lake Superior; as there are no islands from the St. Mary's to Isle Royale in Lake Superior, no survey was made of that part of the lake by this party. The maps of Captain Bayfield of the British Navy were adopted. A survey was then continued from the north end of Isle Royale to the Lake of the Woods, and I do not know that I can do better than make extracts from a letter written by Mr. Ferguson (who succeeded the writer in charge of the survey) to me, dated at Fort William, January 20, 1823, as follows:

I have not written to you since we left Michilimacinac; in any other part of the world, it would be a sufficient excuse to say that I had received no letter from you. The truth is we have been very busy or very idle, and they told us after the canoes left in August, we should have no other opportunity of writing.

I expected our survey would have been one continued measurement, but in this I was mistaken. The rivers are all either broken into cascades or rapids, or where they are not, the banks are steep and covered with woods. To measure anywhere but on the water would have taken a century, so I measured the distances by log and took the courses with a boat compass, and have protracted them by minutes and seconds of time. The instructions of the Commissioners say we must perambulate the waters each way and this I suppose is a kind of perambulation.

In the large Lakes I began by measuring a base and intersecting points, making a kind of trigonometrical survey of it, and thus we continued throughout, except that points were determined without the formality of setting up stations at them and a series of lines measured by log. The protraction agrees very well and comprehends about eighty miles, a chain of little lakes running in about the same direction westward. To make things more sure I intend measuring along these lakes in the course of the winter, on the ice, determining some of the principal points astronomically. \* \* \* I determined the position of Isle Royale by pins. The base will be four miles long and is to be measured on the ice. I also made a survey of the island by log. I spent twenty days upon it and although there were several good observations for longitude within that time, the nights on which they happened were not clear.

The Canadians furnished by Mr. Morrison knew nothing about canoes but to paddle in them and had we not got a man from Mr. Stewart at Mackinaw

our canoes would never have got across the grand portage. The small lakes freeze up about the middle of October and do not open till about the first of May.

There are three gentlemen resident at the Fort (one a relative of the President), but it is tremendously dull. If you are in a city you see new faces every day but where there are only half a dozen together you soon exhaust every common and uncommon source of amusement, and after that stalk about each other as solitary as if you were perfectly alone. There are two fiddles and a triangle here and every fortnight since the first of November has been distinguished by a ball. The women and children amount to about thirty, and with our establishment there are near as many men. They dance Scotch reels and are as merry as may be. The Northwest Company encourage these dances to keep their men in spirits and prevent them from growing morose and savage. Before the union of the Northwest and Hudson Bay Companies, there was a noted difference between the dependants of each. As the Hudson Bay people had chiefly small forts and but few dances, they became spiritless and had no relief from the monotony of their existence; the case was different with the others; they were lively and endured hardships much more willingly. At the Fort at Ashabarta they had a fiddler who could play two tunes only, and the gentlemen of the Fort paid him two hundred livres a year for his music.

I don't dance and therefore have no part in the diversion. I however stood godfather to a ball a few weeks ago. You have heard that Captain Bainbridge when off Constantinople had on his table at a public dinner, a pitcher of water from each continent of the globe. The drinkables at my entertainment were not so numerous, but more characteristic and I think as appropriate; the whiskey being a native growth and the rum smuggled across the Niagara—a capital commentary on the last part of Colonel Oglevie's toast, that the boundary line "was for all a truce upon the waters."

Our men from Black Rock are dandies here and do us honor. I left my clothes, except necessities, at Mackinaw and the inventory of my shirts would be nearly as short as Prince Henry's account of the wardrobe of Poins, "as one shirt for superfluity and one other for use."

The survey was continued through the chain of small rivers and lakes to and through the Lake of the Woods and was completed in the year 1825.

Although the Commissioners had frequent consultations in relation to the principles which should govern them in locating the line along the rivers where there were islands, they did not agree upon any which should not be varied as circumstances might require, except that no island should be divided. The middle distance from main shore to main shore was claimed as



the true line on the one part ; the greatest quantity of water, the *filum aquæ* or navigable channel, on the other part.

After the surveys and maps were completed, the surveyors were directed to trace a middle line, and to estimate the quantities cut or crossed by that line, with the maps and the data furnished of quantities and the doubtful islands and of the soundings. The Commissioners proceeded to mark down the line. Where there were many islands and many channels the process was slow and difficult. Conflicting interests and opinions had to be adjusted and concessions made by each. In this manner they proceeded, keeping a sort of debit and credit account of quantities in the doubtful islands. They thus agreed upon the boundary for the whole distance included under the sixth article of the Treaty, and reported to their respective Governments, which line by the provisions of the Treaty was final and conclusive.

Of this line Bouchette in his "Topographical and Statistical Description of Canada," speaks in the following complimentary manner :

The immense multitude of islands dispersed, not only in the St. Lawrence, but at the discharge of the straits or rivers that connect the Great Lakes, must have rendered the adjustment of this section of the boundary excessively intricate and embarrassing, especially as many of the islands were no doubt important as points of military defence or commercial protection on the frontier, that either party would naturally be anxious to retain. The relinquishment of Barnhart's Island by the British Commissioners . . . was considered an important sacrifice ; but the exclusive possession of Grand [or Long] Isle, which was left to Great Britain, was esteemed an adequate equivalent for its surrender.

The whole line as established by the Commissioners seems to have given very general satisfaction ; indeed the only complaint which has come to the knowledge of the writer was in relation to Barnhart's Island, and about that it is believed that the British Government at home and in Canada have been entirely satisfied.

This plan of dividing the doubtful islands operated favorably in our immediate vicinity, as Grand (or Long) Island in the St. Lawrence, containing about thirty thousand acres, was given to the British side. The Commissioners came into the Niagara River with much the larger quantity of doubtful island territory on that side.

There was therefore no hesitancy in appropriating Grand Island in the Niagara River to the United States. That island (other things being equal) would have been questionable, as the largest surface of water is probably on the American side, although the quantity of water is about three-fifths on the British side.

An estimate from measurements of velocity and depth showed that there then passed on the Canadian side, in cubic feet, 12,802,750 feet per minute; on the American side, 8,540,080 feet; or a whole quantity of 21,342,830 feet. To prove the accuracy of these measurements, the quantity passing Black Rock was calculated on a subsequent day, which resulted in finding 21,549,590 cubic feet to pass per minute. The result was very satisfactory, as a very little difference in the course or velocity of the wind would cause a much larger difference.

The Commissioners were not successful in settling the boundary under the seventh article. The first disagreement was in relation to St. George's or Sugar Island in the St. Mary's River; the British Commissioner claiming that the line should run on the western or American side of that island. On the American side is a broad surface of water, shallow and not navigable for vessels, and only about half the distance as by the eastern channel, which is deep and is the only one in which lake vessels can ascend to the falls above. To this claim the American Commissioner would not consent. From a point about one mile above that island the line was agreed upon and settled to Lake Superior, and through that lake "in a straight line passing a little to the south of Isle Canœbuf to a point in that lake one hundred yards to the north and east of a small island named on the map 'Chapeau' and lying opposite and near the north-eastern point of Isle Royale."

From that point to another point on Lac la Pluie near the foot of Chaudière Falls they could not agree. The British Commissioner claimed that the boundary between those points should pass through Lake Superior to Fond du Lac and thence up the River St. Louis, following a chain of small streams and lakes and innumerable portages to Lac la Pluie, from which both Commissioners were agreed on the line to its terminus at the north-west angle of the Lake of the Woods. The American Commis-

sioner, as a counter project, claimed that the line from Isle Royale should run directly to the mouth of the river Hamanistiguia, and thence to the point in Lac la Pluie; but proposed that the route by the Pigeon River should be adopted. As each Commissioner was tenacious on these points of disagreement those parts of the boundary remained unsettled until the Treaty at Washington in 1842.

The points of disagreement by the Commissioners under the fifth and seventh articles of the Treaty at Ghent were finally adjusted by the Washington or Webster-Ashburton Treaty in 1842 and at the risk of overtaxing your patience I will transcribe from that Treaty some portions of its decisions.

The uncertain knowledge of the country at the time of the making of the Treaty of 1783 led to a vague and uncertain north-eastern boundary, a fruitful source of disputes and ill-feeling in relation to it. The *words* of that Treaty are:

From the northwest angle of Nova Scotia, viz: that angle which is formed by a line drawn due north from the source of Saint Croix River to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River.

The *letter* of this description would carry the line to near the 48th degree of latitude and many miles north of Quebec. The nature of the country renders it almost impossible to draw such a boundary as could be known and be understood. It would have been very inconvenient and disagreeable to the British Government. The Treaty recites that it is intended for "reciprocal advantages and mutual convenience." Its *spirit* therefore seems to justify the compromise made by the Treaty of Washington, whereby the United States yielded a large tract of disputed territory along the Highlands, but obtained a full equivalent in the strip of territory along the north of the 45th parallel of latitude, including Rouse's Point.

The first article of the Treaty in 1842 declares that the line of boundary shall be as follows:

Beginning at the monument at the source of the River St. Croix as designated and agreed to by the Commissioners under the fifth article of the Treaty of 1794 . . . following the exploring line run and marked by the

surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the Treaty of Ghent, to its intersection with the River St. John, and to the middle of the channel thereof; thence up the middle of the main channel of the said River St. John, to the mouth of the River St. Francis; thence up the middle of the channel of the said River St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence, southwesterly, in a straight line, to a point on the northwest branch of the River St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those waters which empty themselves into the River St. Lawrence from those which fall into the River St. John, then the said point shall be made to recede down the said northwest branch of the River St. John, to a point seven miles in a straight line from the said summit or crest; thence . . . . to the point where the parallel of latitude of  $46^{\circ} 25'$  north intersects the southwest branch of the St. John's; thence, southerly, by the said branch, to the source . . . . at the Metjarmette portage; thence, down along the said highlands . . . . to the head of Hall's Stream; thence, down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins, previously to the year 1774, as the 45th degree of north latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British Province of Canada on the other; and from said point of intersection, west, . . . . to the Iroquois or St. Lawrence River.

By the second article of that Treaty it was agreed that the line should run eastward of St. George's Island, so as to appropriate that island to the United States; and that the line westward from the northeast point of Isle Royale should run through the middle of the sound between Isle Royale and the northwestern mainland, to the mouth of Pigeon River, up that river to and through the north and south Fowl Lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence through the rivers, lakes and water communications to Lac la Pluie at the foot of Chaudière Falls; thence along the same line agreed on and settled by the Commissioners, through the Lake of the Woods and to the northwest angle thereof in latitude  $49^{\circ} 23' 55''$  and in  $95^{\circ} 14' 38''$  west longitude from Greenwich; being in both cases the line proposed by the American Commissioner and without doubt the line intended by the Treaty of 1783.

The Treaty of Washington (1842) further declared that the boundary westward from the northwest angle of the Lake of the Woods shall, according to existing treaties, run due south to its intersection with the 49th parallel of latitude and on that parallel to the Rocky Mountains.

Having occupied so much of your time in what I fear has been tedious, of the details in relation to treaties and the manner of executing them, a few reminiscences of our camp life and of the several persons at different times attached to the Boundary party may not be without interest; although so long a time has elapsed, many things which had interest have been forgotten.

In 1816 Colonel Totten located a site for a fort at Rouse's Point on Lake Champlain south of the line known and marked as the boundary many years before, but actually north of the true parallel of  $45^{\circ}$  and considerable labor and money were expended in preparing a foundation before it was discovered where the parallel of  $45^{\circ}$  was. The writer of this in company with Mr. Adams (the principal surveyor of our party) met Colonel Totten at Plattsburgh in the spring of 1817. The Colonel was much mortified at the mistake, and explained that he had relied on the observations of his assistants, which had confirmed the old line. It is believed, however, that he was somewhat influenced by the representations of Colonel Hawkins and Major Robertdeau who were making reconnoissance along the northern and western frontiers and spread the report that the line would be several miles further north. The work on the fort was suspended and not again resumed until after 1842.

Colonel Samuel Hawkins was a lawyer and had been district attorney for the District composed of Dutchess and others when several counties made a district. He obtained his appointment as agent under the sixth and seventh articles of the Treaty at Ghent in the summer of 1816 and in company with Major Robertdeau of the Topographical Engineers, proceeded on a tour along the lines. These gentlemen were *bons vivants* and *bons compagnons* and made quite a stir along the frontiers in fixing the boundary. Their journey was one rather of pleasure than of profit to their Government, for all they did amounted to nothing except to alarm the settlers along the lines. Colonel

Hawkins assumed (whether sanctioned by Major Robertdeau or not is not known) that the true parallel of latitude should be calculated on the *fact* that the earth is a spheroid, and not (as is usual) on the assumption that it is a sphere. In this manner he was about to take in quite a slice of Canada. The following from Niles's Register of September, 1816, is a specimen of articles which appeared in the papers:

Colonel Hawkins and Major Robertdeau have arrived at Sackett's Harbor. They say that the line west of Connecticut River is at present too far south, and that in establishing the 45th parallel of latitude will give the United States sixteen townships of lower Canada and their excellent fort and island, Isle au Noix.

On the organization of the parties under the sixth and seventh articles of the Treaty in May, 1817, the American party was composed of Peter B. Porter the Commissioner, Donald Fraser, secretary, David P. Adams of the Navy, the astronomical surveyor, William A. Bird, assistant surveyor, Thomas Clinton, steward, with waiters, cook, boatmen and axmen, numbering about twenty persons. Professor Andrew Ellicott soon joined the party and remained about six weeks. The camp was arranged in military order. Each of the above-named persons had a tent, which, with others for men and stores, made quite a show on the bank of the river. We were well provided with instruments and each surveyor had a boat and boat's crew; besides these were others for the Commissioner and for camp use. The surveyors, when at work near the main camp, returned to that at night, but for portions of the time they took tents, provisions and camp utensils in their boats and would be absent several days together, encamping where night overtook them.

The gentlemen of the British party were Colonel John Oglévie of Montreal, Commissioner; Dr John Bixby, assistant secretary, David Thompson, astronomical surveyor, Alexander Stevenson, assistant surveyor, with a full complement of boatmen and other attendants.

Colonel Oglévie was a prominent member of the Northwest Fur Company, a Scotchman by birth, a man of indomitable energy and perseverance. He had his own bark canoe and crew and was to be seen almost daily on the water overlooking the surveyors and their progress.

David Thompson had been many years in the employ of the Hudson Bay Company and had wintered two years at Hudson's Bay. This Mr. Thompson is the same who, it will be remembered (in the 54° 40' controversy), was sent by that company in 1810-11 down the Frazer River to take possession at Columbia River for the British Government, and found that Mr. Astor's settlement had preceded him. As was the custom, Mr. Thompson had taken to wife a native in the upper country, whom he brought down to his home on the St. Lawrence and with her a lot of fine intelligent children.

Colonel John Hale, from Quebec, the agent of the British Government, a lawyer, and a fine old English gentleman, was occasionally with the party and in the camp of the Commissioner.

During a part of the year 1817 and 1818 Colonel Hawkins was on the river and had his separate camp always near that of the Commissioner.

In the spring of 1818 Richard Delafield (now a colonel in the Engineer Corps, United States Army) joined the party and served that year as the draftsman, and for a part of the year William Darby (the historian) was an assistant surveyor.

In June 1818 Professor Hasler for the United States and Dr. Ticark for the British Government, went out to St. Regis as astronomers under the fifth article of the Treaty to authenticate the point fixed by Mr. Ellicott on the 45th parallel. Our Mr. Adams went down the river to meet them and took with him the astronomical circle which Mr. Hasler had purchased in London for the Government. While there a gale of wind broke down Mr. Hasler's shanty and utterly destroyed that valuable instrument, thus depriving our party of its use, but relieving us of its care and protection.

In the spring of 1819 Mr. Adams was recalled to the Navy, and the writer took charge of the survey, except for a few months that season while Major D. B. Douglass from West Point was with the party. James Ferguson from Albany joined the party as assistant surveyor and Lewis G. DeRussy as draftsman. Colonel Hawkins was succeeded by Major Joseph Delafield as agent. He made his home in the Commissioner's camp and remained with the Commission until its termination in 1825.

The party were this year in the west end of Lake Erie from July to October, when they became so reduced and weakened by sickness that they were compelled to decamp. This season was remarkable for the little wind on the lake, for unusual warm weather, for very low water and much sickness. Every member of both parties was sick, some very sick. Colonel Oglevie died about the 1st of October at Amherstburgh and one of his men on the same day.

Hank Johnson accompanied the party this season for the purpose of procuring fish and game, in which he was almost always successful.

In July, 1820, the American party embarked on board the schooner *Red Jacket* in the Detroit River and the British party on the *Confiance*, and proceeded to Lake Huron, where they prosecuted the surveys until October. The schooner was retained in the service of the party and was the headquarters instead of the camp, the surveyors with their boats and camp equipage being employed away from the vessel much of the time.

In the spring of 1822 the writer (the boundary under the sixth article having been completed) resigned his position and was succeeded by Mr. James Ferguson, who continued the survey to the Lake of the Woods and remained with the party till the final close of the Commission in 1825.

Mr. Ferguson has since been employed several years in the coast survey and for the last ten or twelve years in the National Observatory in Washington.



# CAPTAIN BRANT AND THE OLD KING.

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## THE TRAGEDY OF WYOMING.

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READ BEFORE THE SOCIETY, APRIL 1, 1889.

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BY WILLIAM CLEMENT BRYANT.

The fall of Quebec in 1759 ended the long and bloody contest between France and Great Britain for the mastery of a continent. A moment's reflection will suffice to remind us of the momentous issues involved in this struggle between the two competing civilizations. An indigeneous and barbaric people, known as the Iroquois, or Five Nations, the bulk of whom dwelt in what is now known as Central and Western New York, was an important if not controlling factor in this eventful consummation. In the war afterward waged by the American colonies for independence, though sadly diminished, they were sufficiently numerous to form an appreciable element of the forces which Britain hurled against her rebellious offspring. Wasted by wars, and overwhelmed by the tidal wave of European emigration they have, within less than a century, peacefully surrendered an empire to the intruding race, and have disappeared from history as they soon will from the gaze of men.

The recorded opinions regarding this historic race are mostly idealistic and irreconcilable. "Romans of the West" is the

eulogistic title bestowed by their earliest observers on this war-like people before they had become enervated and corrupted by contact with European civilization; the "Indians of Indians" they are termed in the glowing pages of Parkman; kindly conservators of peace and the domestic affections, is their surprising characterization by Horatio Hale; a "gifted and progressive race" they were declared to be by Morgan. On the other hand, they are portrayed by writers, possessing equal opportunities of observation, as monsters of cruelty, devoid of all the nobler attributes of humanity.

Models for a sculptured Apollo, the perfection of the human form, accompanied by a princely mien and an unstudied grace of movement, may have frequently been seen among the lithe and supple braves grouped around gallant King Hendrick, and the sight of whom kindled the imagination of Sir Joshua Reynolds; but the nature of these picturesque youth rarely revealed that union of gentleness, love and valor which are the essential ingredients of chivalry. Heroes they were according to their own rude standard suggested by the untamed animals which formed the emblazonry of their shields; exceptions, however, were not wanting, as in the case of Hiawatha,\* of a lofty magnanimity and an all-embracing benevolence.

Cruel, ruthless and vengeful as we must admit they were, when war inflamed their passions, we cannot deny the Iroquois warriors possession of such attributes as loyalty, chastity, valor, gratitude, hospitality, acumen, an inspiring eloquence and an indomitable spirit of independence. They jealously emphasized the distinction between allies and vassals in their relations to the Dyo-hence-caw,† or People-of-the-Morning, throughout the period of a long and faithful service in which their blood was shed like water.

There have arisen among this people, within the historic period, many remarkable characters; perhaps none more so than the personage I am about to introduce to your notice.

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\* Hiawatha was the founder of the League of the Iroquois—a veritable "lawgiver of the stone age," and not a mythological creation; although superstition has invested him with supernatural attributes. By birth he was an Onondaga, and by adoption a Mohawk. In the Mohawk dialect the name is pronounced A-yohn-waht-ha; in the Onondaga, Hay-en-wat-ha, and in the Seneca, Hay-ya-wan-tah.

† The Seneca name for the English.

Early in the eighteenth century, and before the hearts of the American colonists were thrilled by the first monitory rumble of that great upheaval which we denominate the American Revolution, there lay in the fruitful and romantic region bordering the foot of Lake Seneca, and within sight of its sparkling, unsullied waters, the most considerable village of the Senecas. This village was known to the whites as Old Castle or Kanadesaga. It was surrounded by a timbered palisade and earthen works, constructed under the supervision of that astute and vigilant servant of the crown, Sir William Johnson. Outlying this forest fastness were thriving orchards of apples and peach, and broad fields of golden maize. Kanadesaga was peopled principally by a clan of Senecas whose totem was the turtle, a symbol, in the simple heraldry of the Iroquois, of ancient and illustrious origin. The principal and hereditary chieftain who swayed this rude community, and whose influence was, in truth, potential in the councils of the great confederacy, was known to his people as Gui-en-gwa-toh, and in the dialect of the people who lived nearer the sea, Sayenqueraghta, or Sakayengvaraton, which signified the "Disappearing Smoke or Mist."\* It was this chieftain's prerogative to kindle and to extinguish the council fire of his nation, and this idea was imbedded in the rocky syllables of his Indian name. Among the English he was called indifferently, Old King, King of Kanadesaga, the King of the Senecas and Old Smoke ; again allusion being made to his official prerogative. The early pioneers and explorers knew little and cared less about the unwritten constitutions of their barbaric neighbors. When, in the course of their dealings with the natives, they met a sachem, who was the spokesman and apparently the venerated head and leader of his people, they bestowed upon him a royal title, as in the instances of King Powhattan, King Philip, King Hendrick and others. In the same spirit of extravagant idealization, when they observed an Indian town fortified by encircling palisades and defensive moats, they dignified it with the title of castle, as for example Oneida Castle, Onondaga Castle, upper and lower Mohawk Castles, the Seneca or Old Castle, etc. The title of King was not applicable to any

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\* Literally, The-Smoke-has-Disappeared.

Iroquois ruler or official. The Iroquois recognized no kingship save that which naturally inheres in the born leaders of men,—men whose superior understanding, imperious will and meritorious achievements inexorably commanded popular homage and obedience. The government of the Confederate Iroquois was strangely composite,—an oligarchy wedded to a pure democracy. The Old King, like King Hendrick,—(who, it is worthy of remark, bore among the Mohawks the same title of Sayenqueraghta),—was endowed with the innate, imperial attributes to which I have alluded. The servants of the British crown in North America apparently encouraged this assumption of royalty on the part of the Old King. His family had for generations, and while the majority of his nation were inclined to yield to the blandishments of the rival French monarchy, remained firm in attachment to the British sovereign. In recognition of their loyal faith the good Queen Anne bestowed upon the Sayenqueraghta of her reign, an ancestor of Old King, a coronet, the only instance, it is believed, in the history of the aborigines of America. Kings have been crowned and dynasties established with less color of right than that possessed by King Sayenqueraghta. The incident gathers significance when we recall the royal jealousy evoked by the marriage of Rolf, an English subject, with the Princess Pocahontas in the days of King James the First.

The red men had no biographers or annalists, and the materials for a biography of the Old King are extremely scanty. The white man's records, however, afford us occasional glimpses of the plumed warrior in his varied career,—now the impassioned orator haranguing a dignified group of blanketed sachems; now with grim visage dealing death blows in the thick of battle; now in friendly conference with men of rank in military and civil life; anon, stooping to succor distressed captives like the Gilbert family, or welcoming as a son to his cabin the weary and famished missionary, Kirkland, and then vanishing mysteriously from view as if to justify his quaint appellation, The-Disappearing-Mist.

Bancroft, speaking of the Senecas at Wyoming, says: "Their

King, Sayenqueraghta, was both in war and in council the foremost man in all the 'six nations.' " \*

Colonel Stone remarks: "Old Smoke was the most powerful, as he was deemed the wisest sachem of his time. He was the principal sachem, or civil chief of the nation, and his word was law. When he thought proper to convene a council it was only for the purpose of announcing his intentions, and none said nay to his behests. His infallibility was never questioned." †

At an interview held by the Hon. O. H. Marshall with the venerable chief Seneca White at his house on the Cattaraugus Reservation, in 1864, he informed Mr. Marshall that Old Smoke was the most influential man among the Senecas in the Revolutionary war, and that *he opposed the Indians taking any part in the war*. According to the Senecas he was a large, portly man of commanding presence. That he was a man of great prominence at Kanadesaga as early as 1765, is evidenced from his position in the councils then held. His closing speech in the council at that time, in defence of Rev. Samuel Kirkland, whose life was in imminent danger in consequence of the death of his host, was full of convincing argument and was a masterpiece of eloquence that bore down all opposition and elicited a general shout of applause "which made the council-house ring." ‡

But it is in connection with the tragedy of Wyoming that I wish to call your attention to the Old King to-night; and here let me refresh your memories by giving a condensed and brief recital of the salient incidents of the affair as they have been accepted by the historian.

The valley of the Wyoming, in the early summer of 1778, presented a scene of peaceful and sylvan beauty. Slope and lowland, on either side of the Susquehanna, were dotted with clearings and nestling cabins, the abode of contented toil, frugality and virtue. No notes of strife or discord arose from the bosom of the happy valley. Only the plaint of some wild bird; the plowboy's careless whistle; the merry laugh and shouts of children at play; the ring of the woodman's axe; the muffled beating

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\*Bancroft's History U. S. Vol. V., p. 279.

† "Life and Times of Red Jacket," by William L. Stone.

‡Lothrop's "Life of Kirkland," Chap. 3, Sparks's Am. Biography, Vol. XXV.

of some thresher's flail, and the rhythmic plash and murmur of the winding river, broke the Sabbath hush of the embowered settlement.

Wyoming would have been the seat of unalloyed happiness but for two causes. The youth and chivalry of the pioneers had, in response to the trumpet-call of duty, left their homes and families to the care of aged sires and striplings, and were fighting the battles of freedom on far away fields; and, besides, there was ever an undefinable, shivering fear lest at any moment, out of the dark, mysterious forest which begirt the settlement, there might emerge a murderous horde of their implacable enemies, Tory and savage.

This apprehension was too soon justified when, on the second day of July, intelligence came that a body of Tory Rangers, a detachment of Sir John Johnson's Royal Greens and a large body of Indians, all under the command of the redoubtable Colonel John Butler, had taken possession of Fort Wintermoot, a Tory stronghold situated a few miles distant. No sooner was the presence of the enemy discovered than the scattered male inhabitants, who remained at their homes, hurriedly assembled to the number of four hundred, at a palisaded work known as Old Fort Forty. Colonel Zebulon Butler, a soldier of some experience in the French and Indian war, assumed command of the little band of patriots. A council of war was held early on the 3d of July and the desperate alternative of anticipating the enemy's attack by surprise was adopted. The plan might have succeeded but for an untoward accident which apprised the enemy of his danger. As it happened the Americans found their foe in line of battle for their reception. Colonel Z. Butler commanded the right of the Americans, the left was commanded by Colonel Dennison, assisted by Colonel Dorrance. Opposed to the right of the Americans and also resting on the bank of the river was Colonel John Butler with his rangers; the right of the enemy, resting upon or rather extending into a marsh, was composed of Indians and Tories led by Sayenqueraghta. The field of battle was a partially cleared plain.

The action began soon after four o'clock in the afternoon, and was for a time kept up on both sides with great spirit. The

right of the Americans advanced bravely as they fired, and the best troops of the enemy were compelled to fall back. At this juncture Sayenqueraghta with a swarm of screeching warriors unperceived outflanked Colonel Dennison and suddenly like a dark cloud fell upon his rear. Sorely harassed Colonel D. ordered his command to fall back, which was mistaken by the men for an order to retreat. This misconception was fatal. A panic ensued and the Americans fled towards Fort Forty pursued by the Indians, who with their tomahawks and spears wrought terrific slaughter and committed deeds of wanton and revolting cruelty. The few survivors who escaped the carnage and succeeded in reaching the fort were soon besieged by throngs of excited Indians and Tories. Possessing no adequate means of defence, and having no expectation or hope of succor the patriots yielded to the entreaties of the women and children and capitulated, the terms of surrender being that the besieged should no longer fight against the crown and should yield possession of all provincial stores to the conquerors, who in turn promised them immunity from the scalping-knife and tomahawk, and undisturbed possession of their homes and clearings. The Indians, however, could not be restrained. No lives were taken after the surrender, but the destruction of houses and property was pursued with merciless persistency until the vale became a scene of hideous, smouldering desolation. Many of the terror-stricken inhabitants sought safety in flight, and many of them fell by the way, perishing from sickness and hunger.\*

Thus far I have attempted to give a summary of this tragic event, as the sober muse of history has recorded it, and which is popularly known as the Massacre of Wyoming. The enchanting theatre of this exciting drama,—the picturesque actors,

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\* "More than two-thirds of their number [the patriotic forces] were massacred by the Indians and Tories with every circumstance of savage cruelty, not even the prisoners being spared. Some of the latter were put to death on the evening of the battle. Queen Esther, a half-breed Indian woman, to avenge the death of her son, tomahawked fourteen with her own hands near a rock which still bears her name."—Appleton's *Am. Cyclopaedia*. *Title, Wyoming*. Colonel Butler's official report agrees with Colonel Claus' statement that only two white men in his command were killed and that the casualties included about a dozen Indians wounded. The reader cannot help contrasting this result with that of Oriskany where the desperate valor of the colonists shone conspicuously.

patriot, Tory, royal green and painted savage, and the terrible scenes of suffering, upon which the curtain falls, invoked the scarcely less veracious muse of poesy and inspired Campbell's justly admired epic, "Gertrude of Wyoming."

Who led the Indians at Wyoming? is a minor *vexata questio* of history. The earlier writers assigned the doubtful honor to Joseph Brant—Thayendanegea. On their authority the poet Campbell makes the "Monster Brant" the author of the woes and horrors which befell the simple-minded dwellers in the valley. Colonel Stone, the biographer of the great Mohawk, zealously endeavored to exculpate the hero by showing that Brant was not even present when the tragedy occurred, and that the responsibility rested on the shoulders of the Old King.

Apparently the matter was set at rest when in reply to an eminent skeptic in the Democratic Review, Caleb Cushing, Stone was at the pains of gathering and publishing fresh and convincing testimony. Some doubting Thomas, however, in the historical field, periodically asserts that Brant *was* the master spirit among the fell agencies of mischief at Wyoming. Unfortunately for Brant his reputation for humanity could better sustain the burden of Wyoming, which he disclaimed, than the infamy of Cherry Valley which neither he nor his biographer sought to evade.

If Brant was not the leader, was Colonel Stone correct in assigning that post to the King of the Senecas? This question was discussed more than twenty years ago in the club meetings of this society. Ketchum in his "History of Buffalo and the Senecas" asserted with confidence that the leader could not have been the Old King. In this opinion that accomplished and conscientious investigator, Orsamus H. Marshall, was inclined to concur. Both were deceived, as was the writer, by certain confusing statements in contemporary narratives, or documents, which assigned to Old King a weight of years and infirmities that would naturally disqualify him for the leadership in so arduous a campaign. The paper which I shall proceed to read is apparently decisive of that question. How this document came to light, after slumbering in an ancient chest for nearly a century, the following letter from the late Senator Plumb will explain :



NIAGARA, PROV. ONTARIO, NOV. 5, 1886.

*Dear Mr. Bryant:*—Mr. Conover, whom I met at Brantford, has sent me some of his Indian pamphlets, among them a paper on the King of the Senecas,\* whom he names Sayenqueraghta. \* \*

Mr. Conover gives the name of Captain Pollard, an Indian, who told Colonel Stone and Mr. Orlando Allen that he was at Wyoming and that the King was the leader of the Indians on that occasion, which statement Mr. Conover was inclined to question.

You are quoted by Mr. Conover as stating that "It is claimed that young King was then too young to be a leader of a war party. I fear it will never be known who that leader was."

Now I think I can help you solve the doubt, and can show very conclusively, that the Old King was not only the leader, but the originator of the Wyoming Expedition, and also a most active and faithful coadjutor of Brant as an ally of the crown.

A family fourth in descent from Sir William Johnson, the great-grandchildren of Colonel Daniel Claus, Deputy Superintendent of Indian Affairs, who married a daughter of Sir William, by his wife Catherine Weisenberg, resides here.

Mr. William Kerby of this place, the accomplished author of "*Le Chien d'Or*," and of much other Canadian literature of the highest order, informed me that he had discovered in the possession of this family a valuable collection of Revolutionary documents: minutes of Indian councils, autograph letters, and many interesting memoranda by Colonel Daniel Claus. Among the papers were all those that were found in the tent of General St. Clair after his defeat, apparently in the original hasty wrappage, and seeming never to have been opened or examined!

There were voluminous writings of Colonel Daniel Claus, and a most valuable essay by his brother-in-law, Colonel Guy Johnson, on the Six Nation Indians, written at the request and for the use of Robertson, the Historian of America, but not inserted in his unfinished work. The papers, numbering nearly 2,000, were carefully examined and roughly catalogued by Mr. Kerby and myself, and at my instance were purchased by the Dominion Government and placed in the public archives. One of the MSS., in the handwriting of Col. Daniel Claus, is headed "*Anecdotes of Capt. Joseph Brant, Niagara, Sept. 1778.*" The following extracts may serve to elucidate the doubt as to the leadership of the Wyoming Expedition. It could not have been written with any other idea, or object, than that of stating facts *then perfectly well known to hundreds of people who would be most likely to read the statements* of Col. Claus if published.

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\* "*Sayenqueraghta, King of the Senecas*," by Geo. S. Conover, Waterloo, N. Y., 1885. In this pamphlet the author, a very able and conscientious investigator, has collated all the printed accounts of and references to the Old King which he could discover.

That they were *not* published was doubtless owing to the lack of opportunity, in part, and perhaps in a greater degree, to severe criticism, which they contained, upon the course of Col. Butler in failing to co-operate cordially or promptly with Brant. The first extract refers to the battle of Oriskany, at which Col. Claus was present, and took a prominent and active part. \* \* [Then follow certain extracts from the MS., which I am about to read. Mr. Plumb concludes:]

It may be that you will think the extracts of sufficient value to communicate them to your Society, and I shall be very glad to have you do so. I shall write to Mr. Conover that I have sent them to you.

With kind regards, believe me, yours very faithfully,

J. B. PLUMB.

The writer sent to Ottawa and procured a copy of Col. Claus' paper entitled "Anecdotes of Captain Joseph Brant," together with the other MSS. mentioned by Mr. Plumb. It is an authentic document written by a trusted servant of the Crown, possessing every facility for testing the truth of what he has deliberately recorded, and his main statements of fact are credible, notwithstanding a certain *animus* of personal hostility which the author is at no pains to conceal.

#### CANADIAN ARCHIVES.

M. G. 2, P. 46.

From Niagara, a King's Fort on the Frontier of the Province of New York, we received the following:

Joseph Brant, alias Thayendanegea, now about 36 years old was born in the upper Mohawk Town of Canojoharee. Capt. Brant, when a young lad, showed an extraordinary capacity and promptness in acquiring the reading and writing of his own language, under an Indian school master appointed by the Honorable Society at his native place. The late Sir Wm. Johnson discovering that genius sent him to a good English school where he soon made such proficiency as to be able not only to read and write English surprisingly well but soon undertook to translate English into the Iroquois or Mohawk Language and so vice versa and that so well that the late Sir William Johnson found him very serviceable in translating Indian Speeches of moment to be made to the 6 Nations in Council and translate them in writing into the Iroquois Language in order to convey to the Indians the full meaning and substance of such Speeches wch Indian interpreters who in general are a dull illiterate kind of white people never were capable of doing, he became therefore a great acquisition to the Superintendent of the Iroquois and 6 Nations and was employed by them accordingly and approved himself a very useful and true person to government discovering at the same time a penetrating sound and good natural

understanding wch he manifested in translating great part of the N. Testament under the inspection of Mr. Stuart, the missionary who explained difficult passages to him, as well some sermons of diffi't subjects. At the Commencement of the unhappy Disputes between Great Britain and her Colonies he made shrewd and strict Enquirys into Reason of the Complaints of the Americans among whom he chiefly resided and from whom he heard nothing but forging of chains and intended Tyranny ag'st them. At the same time seeing no Apparent Alteration or putting such Complaints of Tyranny into Execution the Refutation of it agitated his mind so far as to determine on a voyage to Great Britain in order to try what he could find out there of the matter plainly foreseeing how much the Indians in general were concerned in such a Quarrel, well knowing how ignorant they were as to the Disputes in Question. Accordingly in the Autumn 1775 after faithfully serving that campaign and acquainting the Indians with the Reason of his Intended Journey he embarked at Quebec with the gentleman that was to be appointed at home in the room of Sr. Wm. Johnson. After his arrival he made himself acquainted with Gentlemen on both sides of the Question, soon finding out there was an op'pon in favour of the Americans in England; and his penetrating genius soon saw into the Motives of that Opposition and plainly discovering that there was no Reason of such complaints he was told of in America and all they and the Americans aimed at was to be sole Masters of the Continent of America, an Event so destructive to the Liberty of the Indns and their Country, and being convinced of the Anxiety the Americans for some years showed to dispossess the Indns of their Country had not the Crown interfered. During his stay in London he was by order of Government shown all the remarkable Places and Curiosities about London and vicinity, with which he was very much pleased in particular the Tower. Several Gentlemen of Distinction and Fortune took notice of him and used him very kindly and although some of them were friends of the Americans and argued in their favour he listened to their Arguments with Calmness and answered with Discretion. In the beginning of June 1776 he embarked at Falmouth on board the Harriot packet in Company with the Superintendt—of the 6 Nations and sailed for N. York, where it was expected he would soon be able to get to Albany and from thence among his countrymen the 6 Nations. The packet on acct of the summer season standing to southward fell in with a rebel privateer of superior force near the Carolinas when soon a smart engagement ensued and ye rebels were confident of success. Joseph and his companion, John of the lower Mohawk Town who attended him, having brass rifle guns, made them a present from my Lord Townsend, were so dexterous and good marksmen as to pick off those on board the rebel ship whom by their dress they took to be officers and after an engagement of two glasses the privateer thought proper to sheer off. The Harriot hev'g her rigging much damaged was disabled from chasing her and soon after got into N. York, being the latter end of July, and a little before Sr. Wm. Howe begun his operations upon the rebels on Long Island on wch

occasion he had another opportunity of showing his bravery and activity wch Sr. Wm. acknowledged by having him always abt him, he was also particularly esteemed or taken notice of by the Earl of Percy for it. Finding that the campaign operations were not decisive enough to take Albany. And Brant determined penetrating the rebel country and woods to get among his Indn friends the 6 Nations, Sr. Wm. Howe and the Superintendant furnishing [him] with orders and Instructions to the officers of Gov't for that purpose and wch he with much fatigue and danger effected. The first Ind'ns he met with were the Colonies of the 6 Nations and their Dependants settled upon the Susquehanna River, whom he soon convinced with what he had heard and saw in England and the Arguments he made use of how much their own Country and Liberty was in danger from the Rebels, that they all unanimously agreed with him in sentiment and determined to act agtst the Rebels who then secretly had sent Emissaries from N. England among them to gain them over to their interest but they were soon obliged to disappear for fear of being seized upon by the Indians. These proceedings of Mr. Brant soon taking vent among the Rebels on the Mohawk River they began to collect a Body of men to oppose him and he saw himself under a necessity to call for more assistance among the 6 Nations and procure himself and party ammunition, wch was not nearer to be had than Niagara; on his way thither he had the 6 Nation country to pass thro' where in every Town he was well received, called meetings and acquainting them with his Adventures and what he had heard and saw in the King of England's Residence, wch was received with much greediness aad approbation. He was faithfully promised to be supported ag't the Rebels whenever he should call upon them; he then proceeded to Niagara and on his arrival producing his Orders and Instructions from Sr. Wm. Howe and Col. Guy Johnson, the Supt. of the 6 Nations.—But here Jealousy and Envy the Monsters of all Discord and Mischief showed their Heads, and the person who was left there in 1775 by the Superintendant to assist the Command'g Officer at that post in Indn Matters was an Officer of equal Employ with Mr. Brant only of less Importance as to Indn Matters & acting in a more servile Line, this person having with flattery & cunning (being bred and born in N. England) insinuated himself into the favour of Sr. Guy Carleton & procuring himself thereon to the office upon the Strength of that lavished immense sums without doing the least service to Govt since the beginning of the Rebellion but allowed the Rebels to establish themselves at Fort Stanwix in the middle of the 6 Nation Country. This person then imagining to please Sir Guy in slighting & disregarding Sr. Wm. Howe & the Superinten't; besides apprehensive Mr. Brant should do anything that would expose his Inactivity & willing Backwardness received him very coolly and indifferently altho' under Superints immediate employ and appointment having nothing separate from Sr. Guy even denied him the quantity of Ammunition he demanded for opposing the Rebels that were assembling again and he was obliged to purchase what he could get among Traders out of his own pocket & returned very much dis-

couraged from Niagara; on his arrival with his party he distributed what little Ammunition he got wch was very trifling and soon after had an Acct. that a Body of 800 Rebels were assembled to pay him a visit shortly. Upon wch he immediately sent Runners to call the 6 Nations to his assistance but [illegible] they were influenced from Niagara not to go.—Inds being so ignorant credulous a people that they may soon be dissuaded from keeping their promises with a plausible story [illegible] of raising their Jealousy. Accordingly not a man came to his assistance and soon after the Rebels marched upon him with 300 men leaving the rest as Corps de Reserve at Cherry Valley they however finding Mr. Brant's party prepared and in readiness to receive them, they sent a Messenger to Mr Brant that they wanted to speak with them as friends, he returned them his answer if they would come unarmed he would admit them having at the time not 200 men together when they came to parley and the Rebels came & entreated them to stand Neuter in the Quarrel. That they would [illegible] their assistance & it would reasonably be supposed the King of Great Britain would not want it, wch Mr. Brant flatly refusing telling them he had sufficient reasons to oppose their proceedings on his own acct. upon wch one of the Rebel Colonels hinted that he would be compelled when Mr. Brant gave a Sign to his party they immediately put themselves in a posture of Defense tho' with very little Ammunition, upon wch the Rebels drew in their horns & were for peace sneaking off with themselves & if the Indns had been well supplied with Ammunition they might have given a good acct. of the whole party as well as all the Indns in general on ye continent.

Captain Brant soon after having information that Brig'r St. Leger was on his march upon an Expdn agst., Fort Stanwix and soon expected at Oswego, he proceeded with his party consisting of upwards of 300 men to that place to join him where on his arrival he found Col. Claus sent from England in Spring '77 to Superind the Indians to be employed in sd Expedition. this Gentleman for upwards of twenty years acted as Assistant to the late Sr Wm Johnson in Indn Matters of which he had the care of ye Canada Indns till superseded in '75 and was well acquainted wth Mr. Brant's Merit, he gave Mr. Brant and party all the Assistance in his power as to equipping them properly for the Exped wch done he [Col. Claus] declared himself a Party ready for Service the Brigadier arriving 2 days after and was for pushing on as expeditiously as possible and none of the Indians that Col. Butler was to assemble having arrived tho' living near 200 miles nearer than Mr. Brant's party and Col. Claus finding they were chiefly to come the way the Expeditn was going he sent orders to the Indn Officers to halt at the Three Rivers 24 miles on his way to Fort Stanwix. Col. Butler arriving the day after at Oswego was surprised that the Indns were stopt from coming there to hold a Congress and receive their presents. Col. Claus gave him to understand that Indns on a march upon the Enemy could or did not expect formal meetings and counselling besides it would be attended with several days Delay and therefore ordered

Mr. Butler to proceed with the few Indns he brought from Niagara and meet the Indns at the Three Rivers and equip them and proceed to Fort Stanwix with all Expedi<sup>tn</sup> at the same time Col. Claus with Mr. Brant and party proceeded with the Brigr leaving Mr. Butler at the Three Rivers and invested Fort Stanwix without them. 3 days after he came up with part of the Indns, when Mr. Brant's sister living in the Upper Mohawk Town sent an Express to her brother with Intelligence that a body of about 900 Rebels were to be within 12 miles of Fort Stanwix that night to reinforce the Garrison, preparation then was made to oppose them. Sr. John Johnson offered his services to command a party of Light Infantry and what Indians were assembled and ready for service to reconnoitre and ambushe said party of Rebels. Accordingly when he was going to set off early in ye morning none but Mr. Brant's party were ready to join. Col. Butler and party were hesitating and deliberating whether there should not be a parley demanded of the Rebels and Letters wrote to their Leaders before the attack. Mr. Brant observed that they being advancing in arms it was too late to offer any terms and that he was sure they would reject any proposals of peace and Sir John Johnson pushing off Mr. Brant followed him, the Col. and party were unprepared for the March for a considerable time after when Shame and Emulation forced them to follow. An action commenced in less than an hour's time in which Mr. Brant signalized himself highly by advancing on the Rebels Rear and harassing their Retreat and making great Slaughter chiefly with Spears and Lances. At the first onset the Senecas lost 17 men among whom were several Chiefs and Leaders wch enraged them greatly and altho' the Rebels were put to Flight and left upwards of 500 killed on the Spot yet that was not sufficient satisfaction and their principal Chief Sakoyenguaraghton a Decendant of a Brave and Loyal Family who were distinguished for their Loyalty and Attachment to the British Interest so early as the Reign of Queen Anne and were presented by ye Queen with a Coronet the only mark of distinction of that kind ever given to any of the 6 Nation Indns. This brave Seneca Chief and Mr. Brant proposed to Sr John and Col. Claus to pursue the Blow and Sr. John mentioned it to Brigr St. Leger, asking for a small Body of white men to join the Indns but the Brigr gave his reasons why he could not approve of it and there the affair dropt. Not long after upon false alarms the siege was raised and the Army retreated to Oswego in order to join Gen. Burgoyne by the way of Canada. Mr. Brant proposed to Col. Claus to pass the Mohawk Villages secure their Women and Children and collect what Indns he could in his way to join Gen. Burgoyne by way of Saraghtoga wch Col. Claus agreed to. In which attempt however he ran a great Risque for one of his Companions Capt. John of the Mohawks being a little in the rear of Mr. Brant and passing Fort Stanwix was surrounded by a Rebel party and being determined not to surrender had a whole charge of Ball and Buck shot fired into his left Breast and Arm and notwithstanding made a miraculous escape but is still in danger of losing his arm. Mr. Brant at ye same time

effected his scheme of putting the Mohawk families on their guard and he proceeding with what men he could collect and Gen. Burgoyne's Army but within a short distance from the Camp had an encounter with the Rebel party which he soon put to flight and arrived safe with Gen. Burgoyne who received and treated him according to his Merit the general distinguished him from the rest of the Indians but Mr. Brant finding that he could be of little Service there and affairs with that Army being mismanaged he in order to guard against a Defection among the 6 Nations in case Matters should turn out unfavorable as he apprehended he returned among the 6 Nations procured encouraging Messages from the Canada Inds that remained with Gen Burgoyne and accordingly attended a general meeting of the whole confederacy at Onandago where he spared no pains to prepare and harangue them against the Shock of Gen. Burgoyne's Disaster of which they soon after had a most exaggerated acct from the Rebels the only channel they could get it then who at the same time with threats invited them to join their Cause with a large Belt of Wampun and a War Ax worked in it, however Mr. Brant counteracting and using all the most urgent Arguments such as their loss of brave Chiefs and warriors at Fort Stanwix and what Subjection and slavery they must be exposed to if the Rebels got the better as their Behavior towards them for many years past clearly pointed out. In wch he was joined by his faithful Coajutor Sakayenguaghton the Seneca Chief above mentioned and in Reality carried his point at last so far as to make the whole Confederacy firmly resolve to act most vigorously against the Rebels; and Sayengwaraghto [*sic*] set the example by sending some of his men that very Autumn to harass the Frontiers of Pennsylvania and Virginia and get Intelligence of Gen. Howe's Success abt Philadelphia wch he procured with a great deal of art with all its favorable Circumstances to the great Satisfaction and Encouragement of the 6 Nations. The plan of Operations for the ensuing campaign was then laid and Mr. Brant determined to harass the Frontiers of the Mohawk River abt Cherry Valley [illegible] while Sakayenguaraghton took the Opportunity of this diversion to cut off the settlement of Wayoming on the Susquehanna River. All these transactions were agreed and resolved upon while Mr. Butler was at Montreal transacting Money and Mercantile Matters and no Indn Officer of Gov't present except Mr. Brant. The Rebel Commissioners of Indn Affrs at Albany have publicly declared that if it had not been for Mr. Brants Zeal and Cleverness they should surely have gained over the 6 Nations and their Allies to their interest. After all plans being then fixed upon Mr. Brant then passed thro' the Cayouga and Seneca Towns on his way to Niagara confirming the Indians in their Sentiments against the Rebels and soon after they followed him and declared their intentions to the Commanding Officer at Niagara at the same time delivering up the Rebel War Belt wch is a mark with Indians of their rejecting what was required of them by the Belt with Contempt and Disdain. They also acquainted the Commanding Officers as the Kings Representative that they intended putting their Resolutions into

Execution as early as possible in the Spring and hinted to effect it without an officer of Whites to join them. Accordingly as early as the season would admit of Mr. Brant set the Example and marched off with his party to Aughwago where he had others to join him. Sakayenguaraghton assembled his men at his Town Canadasege without calling upon any white person to join them. However the Reflections of the Officers at Niagara roused Col. Butler to march to Sakayenwaraghton's Town who at the same Time reserved the Command of his men to himself. Mr. Brant opened the Campaign by attacking a party of Continental Troops joined by near 300 Militia who immediately were put to flight and the Continental Troops cut to pieces all but an Officer and four privates taken prisnrs and the Country laid waste distinguishing at the Settlement of Loyalists and not molesting a Woman or Child of the Rebels. This occasioned such an alarm that all the Inhabitants farther down the River fled towards Schenectady and the Rebels were obliged to send several Battalions to oppose Mr. Brants Operations and the Harvest abt Schenectady, Cherry Valley and adjacent places being thereby neglected, prove very detrimental to the Supplies of the Rebel Army, that being the best Grain Country they depend upon and in short Mr. Brant was the Dread and Terror of the whole Country.

Sakayenguaraghton at the same time put his plan in Execution making every preparation Disposition and Maneouvre with his Indns himself and when the Rebels of Wyoming came to attack him desired Col. Butler to keep his people separate from his for fear of Confusion and stood the whole Brunt of the Action himself, for there were but 2 white men killed. [illegible] And then destroyed the whole Settlement without hurting or molesting Woman or Child wch these two Chiefs to their honour be it said agreed upon before they [went into] Action in the Spring.

Thus has Mr. Brant and this faithful Indn Chief distinguished themselves most signally in the Defence of their own cause and Liberty as well as keeping sacred their Alliance entered into with the Crown of Great Britain for near a Century past : when their zealous Services at the same time have been [illegible] from the Public and the Merit given to others who had not the least pretension to it wch by the bye may prove detrimental to His Majys Indian Interest and discourage and Disgust these faithful brave men as well as ye whole 6 Nation Confederacy, and those who deceived Government and the Public in such a manner can have no other view but to give Sanction to the Stigma intended to be laid to Government by its Enemies of employing Indian Officers to engage and urge Indns to commit Cruelties and Murders in the Colonies, when at the same time the Indns act in Defence of their own Cause and Liberty.

[TO BE CONTINUED.]

P. S —Soon after the Receipt of the above Anecdotes an Acct. was received from Niagara of Mr Brant having marched a body of upwards of 400 Whites and Indns to surprise and attack two Forts at Burnetsfield alias Ger-



man Flatts about the middle of Sept. last but unluckily a Rebel Scout discovered them wch alarmed the Forts and kept the Rebels and Inhabitants snug and confined within their forts and could not be tempted to come out therefore he fell to destroying their buildings Barns Stacks of Grain &c and driving off a great number of horses and horn cattle some intended for the Rebels at Fort Stanwix which cant but cause great alarm and [illegible] to the Rebel Army it being the only Grain Country they have to depend upon. This Ravage he carried on upon the Rebel Inhabitants only on both sides of the Mohawk Rivr for near a 20 Miles Extent.

[Endorsed]

Niagara, Sept. 1778. Anecdotes of CAPT. JOS. BRANT.

By COL. DAN'L CLAU, Superintendent of Indian Affairs.

The student of this period will not fail to remark that the sensational narratives of the fleeing and panic-stricken borderers, given on the eve of the event, have been accepted as the undiluted truth by the majority of writers. It would be strange, indeed, if these recitals were not to a considerable degree imaginary or grossly exaggerated.

Col. Claus' apparent motive was to expose the attempt of Col. Butler,—whom he cordially disliked,—to appropriate to himself the credit of achievements justly belonging to two native chieftains, Brant and Sayenqueraghta; and, secondly, to show that the responsibility for any atrocities perpetrated at Wyoming, or on other fields, attached to the Indians alone, contending, as they were, for their own "cause and liberties" menaced by the colonists; a disingenuous proposition which, if seriously uttered at this day, would be received with a smile of derision.\*

Col. Stone. in his *Life of Brant*, was the first prominent writer; it is believed, if indeed, he were not the last, to question the reliability of the narratives alluded to. He says [Vol. I., p. 336]: "It does not appear that anything like a massacre followed the capitulation. Nor, in the events of the preceding day, is there good evidence of the perpetration of any specific

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\* NOTE.—Col. Benjamin Dorrance, before mentioned, vouchsafes us a passing glimpse of Sayenqueraghta in action. "He states that after the capitulation, the British regular troops marched into the fort by the northern or upper gateway, while Sayenqueraghta and his Indians entered at the northern portal. Col. D. recollects well the look and conduct of the Indian leader. His nostrils distended, and his burning eyes flashing like a basilisk's, as he glanced quickly to the right and to the left, with true Indian jealousy and circumspection, lest some treachery or ambuscade might await them within the fort." Stone's *Wyoming*, p. 214.

acts of cruelty other than such as are usual in the general rout of a battle-field—save only the unexampled atrocities of the Tories thirsting for revenge probably in regard to other questions than that of allegiance to the King.” Steuben Jenkins, a descendant of one of the patriot Heroes, in his centennial address at the Wyoming monument, July 3d, 1878, after depicting in the most lurid light the atrocities committed on that spot a hundred years before, and fiercely denouncing the perpetrators, said: “Truth and justice require that another fact, which has been omitted, should be told at this time. \* \* \* SO FAR AS KNOWN TO THE PEOPLE HERE NOT A WOMAN OR CHILD WAS SLAIN BY THE ENEMY IN THE VALLEY. There was no shutting up of whole families in their houses and then fire set to them and the whole consumed together. No slaughter of whole families, men, women and children, in that or any other way.”\*

Butler, it is known, indignantly denied that any were slain save actual combatants with arms in their hands and in the act of using them against his forces. Lord Germain extolled the humanity displayed by the invaders.

When we take into consideration the circumstance, mentioned by Bancroft, that the Senecas had been wrought up to a pitch of frenzied exasperation by the slaughter of so many of their braves and leaders at the battle of Oriskany, and when we consider the inveterate customs and military policy of the Iroquois, their moderation at Wyoming was something remarkable.

All the wars waged between the native tribes on this continent, involved the extirpation of one or the other of the combatants. Their warlike tactics were of surprises, which the vast and pathless woods suggested and encouraged, and the red men as a rule possessed no defensive fortifications and none of the tremendous military enginery with which the more ingenious whites sweep off their enemies. The art of civilized warfare, which means the mangling and murdering your foes politely and humanely, in vast numbers, and at a comfortable distance, these barbaric warriors had never acquired.

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\*Wilkesbarre, Pa., 1878.

The envenomed hate of their Tory allies showed no relenting, but it may be said of the Senecas that the angel Pity touched those wild hearts at Wyoming.

This view is not, however, the popular one. The vulgar appetite must "sup on horrors"; as though the unvarnished details of any active campaign, where men, created in the image of God, maim and butcher each other, are not sufficiently revolting.

A few particulars concerning the later life of the Old King and my task is finished. When General Sullivan's army devastated the Seneca country, the King with his tribe was compelled to abandon his beloved seat on the shores of Lake Seneca and seek safety under the protecting guns of Fort Niagara. Subsequently, and at the end of the war, he retired with a portion of his people to the region drained by Buffalo Creek and its tributary streams. Another portion of the nation, however, erected their bark cabins in the valley of the Genesee, their ancient abode, which in their own musical tongue they had christed *The Beautiful*, and there rekindled their immemorial council fire. Only for a little time were they permitted to linger there; "*The foot-that-knows-no-rest*" was on their track. The Old King's last abode was on the banks of the stream named in his honor, *Smoke's Creek*. There for a few years he dispensed a true Indian hospitality which awakens wonder even now. Among the faces lighted up by the glow of his hearth, and in strange juxtaposition with the tawny, dark-haired daughters of the wood who crouched by their side, might have been discerned the fairer and more delicate features of the captive Gilbert children, his adopted son and daughter, and the benignant countenance of the missionary Kirkland. Here, within a few miles from where we sit to-night, and at about the close of the last century, the King of the Senecas died and was buried. His grave is unmarked and the exact spot where his bones lie is unknown even to his tribe and family. His successor, the bearer of the sacred brand, was the Young King, well and favorably known to our older citizens. This chieftain was a gallant warrior; he fought on the side of the United States in the second war for independence; was seriously wounded in one of the engagements on this frontier, and received a pension from our Government. Later in life he was

converted to the Christian faith, which he adorned and illustrated to the day of his death, some forty-five years ago.

The Young King, so far as is known, was the last Seneca invested with the dignity and title of Sayenquerahta. The vision of the eagle-plumed warrior flying along the forest trail, and bearing aloft the burning brand with its banner of smoke, will be seen no more. The modern Senecas have cast off their ancient form of government and fashioned another after the pattern of the race they have so much reason to fear and hate. The Long House,—as the confederated tribes figuratively styled their governmental structure,—undermined and shattered by Sullivan's army, has since fallen and crumbled to dust. The tamed descendants of the fierce and haughty Senecas dwell mournfully on the days when their "King" held his court at Kanadesaga Castle and was the leader and pride of the triumphant Iroquois.

The name Sayenqueraghta,—literally rendered, *The-Smoke-has-Disappeared*,—was prophetic of the final quenching of that council fire, which in the barbaric age, and in the early dawn of civilization on our shores, was the dread of a continent.

THE ADVENTURES AND ENTERPRISES OF  
ELIJAH D. EFNER.

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MANUSCRIPT DATED JANUARY 21, 1865.

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AN AUTOBIOGRAPHICAL MEMOIR.

Soon after the War of the Revolution, in the County of Schoharie and State of New York somewhat more than a mile south of the County Seat, settled and lived Joseph Efner, an honest Dutchman, a Hollander. Having married Ruth Doty, a Quakress of English descent, he soon after adopted her religious principles, and was ever afterwards a staunch and sincere supporter of her faith.

Here, on the north bank of a beautiful mountain stream that discharges its waters into the Schoharie Creek, about one mile west of my father's house, I was born on the 19th of March, 1791. My father was a tanner, and on the 4th of March, 1804, before I had completed my 13th year I went to Albany with my father, on a load of leather, and became a bound apprentice to the firm of Potts & Smith, in State Street. Jesse Potts and Nehemiah Smith constituted the firm, and the sons of the former are still in business in that place. Having passed through what is common as I suppose to all apprenticeships, I graduated on the 17th of July, 1807, but desiring to travel and to see more of the world, I went north, combining employment with pleasure and instruction, working first at Salem, Washington County,

thence to West Rutland, Vermont, remaining two months and a half in charge of a Mr. Wheaton's business; and thence to Brandon, Middlebury, Burlington, St. Albans and Montreal, working in each place.

On my return from Montreal about April 1, 1808, I visited an uncle, Gilbert Doty, at Caldwell's Manor, which was the first town in Canada separated from Vermont by a road, his house being in Canada and his barn in Vermont. This was in the time of the "Embargo" and my visit gave me an opportunity of learning something of the perseverance and character of the Vermont people. During good sleighing the barn would be filled with pork, flour, potash, flaxseed and whatever would bring gold from Canada; which would soon be spirited away on some convenient night, and carried into Canada.

This trade was kept up in defiance of the U. S. Government until the passage of the Non-intercourse Act, which enabled the proper officers to seize contraband property on suspicion on board of vessels or any other conveyance within (if I rightly remember) 30 miles of the frontier.

At this place I witnessed a very novel and exciting scene. It was known that the Vermont lumbermen had collected immense quantities of lumber among the islands near Colchester. These rafts were joined together into one enormous raft which was fitted for 13 sails; the revenue officers with artillery at Windmill Point, had determined to contest the passage of the raft into Canada; the people were much excited about the success of the undertaking and all seemed to favor the enterprise.

One morning early, before I had left my bed, I heard the shouts, "The raft, the raft!" and there it was with 13 sails set. When opposite to Windmill Point, firing upon it commenced with cannon, but the wind was fair, and on they came, no one being visible on it except at the steering oars, until the U. S. boundary was passed, when some 200 men sprang upon the barrels of flour, potash, pork, etc., with which they had been barricaded, discharging their arms in the air with exultation and defiance, thus triumphing over the laws of their country.

On the next morning following I began to journey back to Albany on foot, walking the entire distance as I had done from

Albany to Montreal. After a short visit home I walked over to Herkimer, there being no stage at that time without returning to Schenectady or Albany. At that time (1808) I think Herkimer contained nearly as many inhabitants as Utica then did; the former say about 500 and the latter about 700.

At Herkimer I found Charles Talmadge and John Mullet who were about forming a copartnership to start business in Buffalo. At Sackett's Harbor, whither I then went, I first met and made the acquaintance of John Sackrider, who also came to Buffalo in 1812; and in September of that year he and myself uniformed Swift's Regiment, then stationed at the foot of Niagara Street. We boarded with Mrs. Dickinson, our shop being in her house, which was situated under the hill, six or seven rods up the River from the ferry house. The gun battery was on the ground where the Niagara-street Railroad buildings now are, and the mortar battery was in a ravine directly in our rear or east of us. Although occasionally annoyed by cannon shot striking the rocks between our shop and the river, and scattering fragments of them against our windows, I do not remember one instance of either ourselves or men leaving work for a moment on account of it. When the contract was completed we went to Buffalo and took a room in the second story of Townsend & Coit's building at the corner of Main and Swan streets, remaining there until after the "Pomeroy Mob," when I went to Utica and remained until April, 1813. I then returned again to Buffalo and for a short time was in the employment of Talmadge & Mullet, for the purpose of fixing whose first settlement, as also that of John Sackrider in Buffalo, this digression has been made. Sackrider is deserving of a much more extended notice. General P. B. Porter used to say that he had no braver or more capable officer in his corps, and Col. Chapin, under whom he served as Captain, has always spoken of his courage as an officer. It was he who threw his stalwart arms around and his body upon the arms in the bow of the guard boat, when the party of prisoners of which Col. Chapin and Captain Kane were a part took the guard and brought them into Fort George, near the mouth of the Niagara River, where our army then had possession.

To return to my narrative. About the 1st of August I met at Herkimer by appointment Mr. Ira Gilbert, whose acquaintance I had made at Albany, and we proceeded to carry out an agreement then made to visit Little York, now Toronto, where his father resided and where my eldest brother lived, being employed as printer for the Government. We started from Herkimer in a one-horse gig. Our route was through Utica, Sullivan, Manlius Square, Jamesville, Onondaga Hollow, and Onondaga Hill, then the County Seat for Onondaga County. All there was of Syracuse then was a small frame tavern. We passed through Skaneateles, a beautiful village at the outlet of Skaneateles Lake; Auburn, then known as Hardenburg's Corner, where there was a stone tavern, a blacksmith's shop, a mill, and I think two other houses. We put up one night at Hardenburg's who owned the mill as well as the tavern. Cayuga Lake was the next place. We crossed the lake in a flat-boat or scow; there was a tavern and a few buildings on each side of the lake. The next place was Mynders' Mills, and a few dwellings now called Seneca Falls. I do not remember anything at what is now Waterloo, unless there may have been farm houses. Geneva and Canandaigua were both flourishing villages. The former may have contained some 600, and the latter about 800 inhabitants. Thence we passed through Bloomfield, Lyma, and Avon to Caledonia, the last named alone bearing indications of the beginning of a village. From Caledonia to Batavia there was no village, although most of the land adjoining the road seemed to be taken up, and built upon, mostly with log houses, and the road was comparatively good. Batavia was a thriving village of about 400 inhabitants. From Batavia to Buffalo we encountered the worst road I had ever seen, and as I now look back after the lapse of 56 years, I cannot remember ever having seen so bad a road. It was made of round logs, of all sizes, laid crossways. From Batavia to Buffalo I do not think there were more than five houses. Vandeventer's was the first one we came to; if Goss's Tavern was then built, it was on a new road not then much traveled; the next was Asa Ransom's, on the same side of the road, and in Clarence Hollow. We staid with him over night; like most of the buildings in new countries, his was a log



house, but sufficiently spacious for the requirements of travel at that time. There were two or three buildings (log houses) between Ransom's and Granger's, where Mr. Granger was building a frame house, the first frame house west of Batavia and east of Buffalo.

We reached Buffalo on the 8th day of August, 1808, and put up at a tavern on the ground where the Mansion House now stands. Here we remained three or four days looking about for village lots, but finally left for Little York without making any purchase. My recollection of Buffalo is that it then contained between 200 and 300 inhabitants, but the country around being sparsely settled, I considered the place too small for an additional shop at that time, but nevertheless determined to make it my future home, as soon as its business would warrant.

There was no road to Black Rock then, without returning to the Guide-board Road (now North Street), except what nature had provided—the sand beach, which though heavy was much better than the corduroy road to Batavia. The ferry house at Black Rock stood on the rocks which have since been removed in excavating for the canal; it was directly in front of the end of the street which passes on the south side of the street-railway Co's stables between Reserve lots 16 & 17, and there was a carriage-road in front of the building up and down the river. The road on the Canadian side of the river was then excellent, being smooth and dry all the way to Newark.\*

From Newark to the head of Lake Ontario to "Brandt's Tavern," then the only house there (I have not been there since and cannot say what the place is now called) the road was tolerably good, although there were fewer inhabitants along the way than on the river road, which with the exception of Chippewa and Brampton was as well settled as it now is.

In November I returned to Albany again, leaving Little York in a schooner for the mouth of Genesee River from which place I walked the entire distance. My thoughts continually reverted to Buffalo; and who after standing on the "Terrace" and looking off upon Lake Erie, having the Lake region and the vast West with its probable future in his mind's eye, *could* forget

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\* Now Niagara, Ont.

Buffalo? Accordingly in the spring of 1809 I wended my way back again by another, then a better route: via the Mohawk River, Oneida Lake and Oswego River to Oswego, thence in the Schooner *British Queen* (Capt. Steel) to Lewiston on the Niagara River. We were nearly two days making the trip between Oswego and Lewiston. From Lewiston I traveled on foot over a good road made by Porter Barton & Co. to Schlosser, where I took a Durham boat for Black Rock, arriving at Bird Island pier the same evening.

This was the best and I may say the only route by which merchandise was transported to Buffalo, and west of it at that time, and the boat I was in contained the stock of a Western merchant who was then on board. The cargo was discharged in a warehouse situated on Bird Island near the south end of Black Rock Pier, about an acre of which was above water, and the water in front of the dock, on the lower side of the Island, was of sufficient depth to float the largest vessel then on the Lake. All the commerce of the western Lakes was carried on from this Island and Fort Erie in Canada; that is, all the merchandise that went from the East, or came from the West up to that period was stored at the two places mentioned, or put on board of vessels direct, at these places only.

That evening I went to Buffalo and engaged to work for Talmadge & Mullet, and also for Mr. Lewis, whose shop was in the second story of Joseph Stocking's store on the corner of Main and Swan streets. The County Clerk's office for Niagara County was on the same floor, Mr. Le Couteulx being the Clerk and Mr. Holmes, who married a daughter of Doctor Cyrenius Chapin, being the Deputy Clerk. In July I again went to Little York and worked for Mr. John Murchison, in whose employ I had also been in 1808. Upon returning in October I visited Mr. Doty in the town of Porter, and as an evidence of the then sparse settlement of that region, I will mention that I was deputed to summon a coroner's jury, upon the principle perhaps that I had nothing else to do, and I accepted the duties for the sake of seeing the country. The names of the jurors were given to me (what would I not give for a copy of those names!); they were the heads of families at Lewiston, Niagara Falls and east

on the Ridge Road to Molineaux, including all the settlers by the way.

The jury appeared promptly at 9 o'clock the next morning, at the house of 'Squire Doty, and all on horseback proceeded to where the body was found, about five miles further down Lake Ontario. It proved to be that of a British soldier who about ten days before, had fallen overboard from a vessel going into the Niagara River. Only imagine—more than forty miles of travel to summon a coroner's jury!

From the town of Porter I went in a bateau to Sodus Bay with Mr. Reed, sutler at Fort Niagara, and thence on foot to Albany, returning early in the Spring to Salt Point, where in connection with E. M. H. Safford we opened shop and worked for salt, which was legal tender there, money being mostly out of use. I boarded at Rowe's Tavern, where were also the principal salt purchasers at that place. Having got all the salt I could transport I left for Oswego in company with John Richardson. He was a brave man, and the only Volunteer Captain whose *whole* company crossed to Fort Erie to engage in the sortie of Sept. 17, 1814. I saw them volunteer, every man passing around the square, during a tremendous rain-storm, General Porter leading, drenched meanwhile in rain.

Our salt was taken to Oswego in one of Goodhue & Co's boats and in one of their vessels to Lewiston. Mine was landed at Fort Erie from Queenston where were my means of transportation. I sold the salt, and never engaged in the trade again, although this had yielded a profit. At Fort Erie I worked for Mr. Moon, until the salt which had to take its turn arrived, when I again crossed into Buffalo, and remained until November, 1810.

In this month I went to Maysville\* in Chautauqua County, landing from a schooner at Portland, now Barcelona, and put up at Samuel Wilkeson's, who settled in Buffalo in 1814. He was an active and prominent citizen, holding various offices in the gift of the people, and was among the most prominent in obtaining the side-cut canal from Black Rock to Buffalo and the building of the harbor here. Samuel Wilkeson was truly

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\* Now spelled "Mayville."

faithful to his political friends. An early acquaintance and the interest of Buffalo, which all but three or four of our citizens espoused, threw us much together. Both of us were "War Democrats" during the War of 1812.

These interests led us to follow the fortunes of DeWitt Clinton who favored our interest in opposition to Samuel Young and Peter B. Porter. Thus we went on harmoniously, each doubtless trying to persuade himself that he was all the while, still a Democrat, until Henry Clay in 1825 cast the vote of Kentucky for John Quincy Adams, instead of Andrew Jackson, who had the greater number of votes and had by his valuable services earned preference. I then returned to the Democratic fold where I have ever since been, and from that time I lost the friendship of Wilkeson.

This fact is mentioned to account for his omitting my name in all his "Harbor Reports," notwithstanding I was the largest individual subscriber to indemnify the stockholders of the steamboat Superior for any loss they might sustain on account of not getting the boat out of Buffalo Creek, after it was built, if they would consent to build it here instead of Black Rock. The boat was built here, and we, the subscribers to the bond, were assessed pro rata to open the channel, in addition to which I gave my own services, working in the water up to my waist, as laborers could not be obtained. I put this on paper, because the old citizens who were witnesses to what I state are fast passing away.

My object in landing at Portland was to visit Maysville, Chautauqua Co., about nine miles distant, a favorable place, as I had been informed, for business. I found the place however too small, and returned to Portland the same evening, where I found Mr. James Sloan, now a resident of Black Rock. Much of the conversation that night was upon the practicability of making a voyage at that season of the year in an open loaded bateau to Detroit. We finally concluded to attempt the trip; and after taking in the cargo, which consisted of such goods as were salable to Indians and Frenchmen who were engaged white fishing in Detroit River, we started and after some remarkable adventures and mishaps resulting from the storms we

encountered, we reached Cleveland, from which place it was thought best to arrange with a captain of a vessel bound for Detroit, to tow our boat and take the cargo on board, which we accordingly did.

Detroit was then the largest village west of Schenectady, and Erie, Pa., was next in importance on the Lakes. I remained during that winter at Detroit, and left on the 15th of April, 1811, in company with Mr. James Sloan ; and as the only methods of returning were to purchase horses, go on foot through the wilderness, wait for a vessel late in the season, or purchase a canoe (a dug-out), we chose the last-named. I enjoyed the trip very much, loving it for its sports, as well as for its very perils. We had fowling-pieces for game, and spear for fish, both of which were abundant in the coves, creeks and marshes. We did not paddle but laid by for fair wind, using our blankets for sails.

At that time there were but few clearings visible along the shore, except Frenchtown, now Munroe, and Maumee ; there was no village until we arrived at Erie, unless Cleveland, Grand River, Ashtabula and Conneaut, each of which contained two or three houses, could be so called. Erie had enjoyed a considerable carrying trade from the Lakes to the Ohio at Pittsburg, via Le Bœuf, French Creek and Allegheny River.

It was during this year, and while I was at Pittsburg, that I witnessed the launching of the first steamboat on the western waters. I well remember the arrival there of the 4th U. S. Infantry, Col. Boyd. It was composed of the best material I had ever seen in any service, a large proportion of the men being seamen who had been thrown out of employment by the embargo, and were then direct from Fort Independence, Boston, Mass. Their discipline, their parades, and their reviews were superior to anything I have ever seen in any service. I was strongly tempted to go with them ; but unwilling to enlist in time of peace, I determined to follow. It was rumored that they were going to chastise the Indians who had become troublesome in Western Indiana, under the leadership of Tecumseh. Coming up with them at Vincennes, where they had halted for the arrival and organization of volunteers, I went into the employment of the commissary.

The Battle of Tippecanoe is familiar to all, and I can truly say that every man did his duty. After caring for the wounded and burying the dead, destroying the Indian village and digging up their buried corn and burning it, we turned back towards Vincennes again. The chiefs and head men among the Indians sued for peace in the Spring, and held a Council with General Harrison on the 4th day of March, 1812, and agreed to be friends, but a few days afterwards they commenced killing the settlers in every direction. One morning a young man entered Vincennes before daylight, announcing the murder of a whole family, nine in number, named Herryman, on the Embarras River. The whole village was collected together, and was addressed by General Harrison, received arms and ammunition, and marched in every direction to protect the settlers.

On the 8th of May, 1812, I left Vincennes in company with the 4th Regiment, commanded by Col. Miller (General Boyd having gone East), and the reception with which we met at Louisville, Lexington, Cincinnati, and other places was most enthusiastic. We united with Hull's army at Dayton, Ohio, marched thence to Springfield and Urbana; from the latter place our route to the Maumee River lay through an unbroken wilderness, through which we cut a road the entire distance, building two block-houses by the way. We forded the Maumee River at the rapids, and it was at this place, on the next day after our arrival, and after we had despatched our medical stores, surgical instruments and many valuable army stores on board a schooner, together with such officers as had their wives with them, that we first heard of the declaration of war between the United States and Great Britain. As a matter of course, these all fell into the hands of the enemy in passing Malden, they having received the intelligence two days in advance of us, along the whole frontier.

It was at this place I met my worthy old friend William Baird, U. S. express rider, on his return trip from Detroit, whither he had been with Government despatches from Buffalo. We arrived at Detroit early in July. Capt. Dequinder was recruiting a company of "one year or the war" men, and I immediately became a member of his corps as full private. My

first fight was at the River Canard in Canada, in an expedition commanded by Col. Cass and McArthur, who expected to take the guard stationed at the bridge but failed to accomplish it, mainly on account of the attack on the bridge being too soon and too impetuous. Cass's party had made a wide circuit and had forded some distance above, and the party on the road was only to amuse the enemy until we had gained their rear; instead of which they were driven off before it was possible for us to get around.

About the last of July Major VanHorn with about 300 men left Detroit to bring up Col. Brush who was at River Raisin with 200 men and supplies for our army. This party fell into an ambush at Truago and were defeated and dispersed, but our company was not of the party. As soon as their fate was known, we were ordered from Canada to Detroit, and on the next day we left on the same errand with 580 men, about 250 of whom were of the old 4th Regiment, the whole under the command of Col. James Miller, the same who at Lundy's Lane, on being asked if he could take that park of artillery, said, "I will try, sir!" If any man of this small force had not before made up his mind to win, I think he did so when he passed the mangled and unburied men of VanHorn's party at Truago; but before the setting of that day's sun, we gained a signal triumph over more than twice our number at the battle of Brownstown, which General Miller always regarded as his greatest achievement. The enemy were pursued to their boats, and crossed to Malden.

Instead of allowing us to accomplish the objects of the expedition, now while the road was open to us, we were ordered back to Detroit the next day, and by the perfidy of Hull, became prisoners to General Brock, August 16, 1812. The arms, ordnance and the regular troops were sent to Fort Erie, in the John Adams and Queen Charlotte, and the volunteers were sent to Cleveland, Ohio, where we were landed on the morning of the 22d of August, from the schooner Nancy, Capt. James Rough, whose mate was Walter Norton. On the same day Mr. Norton, Capt. Richard Smith, Joseph Gooley and myself started on foot for home at Buffalo, where we arrived on the 1st of September.

The Pomeroy Mob occurred in December, 1812. Pomeroy had been much annoyed by the soldiers occupying his bar-room and monopolizing the fire-place to the exclusion of travelers and the citizens. One day he remonstrated against such conduct as an abuse to which he would no longer submit, and was said to have used very strong language. The next day the soldiers began to collect in front of his tavern and vicinity, and waiting until the boarders (among whom were many of their officers) had gone into the dining-room for dinner, they commenced breaking up the bar, with its contents, destroying the front windows and damaging the house generally, some of them saying, "let us fire the building," which they afterwards did. Knowing that Doctor Blood of the 4th Regiment lay sick of a wound in his chamber, I went up with three others to save him, and while bringing him down the hall stairs which they were pulling to pieces some of them struck their bayonets over the bunk at the wounded man, but upon being assured it was not Pomeroy they allowed us to pass out. I then went to Mr. Joseph Stocking and told him that a few armed men should go down to the mob, not to interfere, but to rescue persons in danger. He opposed it, as being unsafe, but one of his men and John Mullet went with me, and we each, with musket loaded and bayonets fixed, took our station about two rods outside of the rioters. Mr. Stocking came to us again, begging us to return. It was well however, that we remained, for soon we saw Mr. Abel Grosvenor, a highly esteemed citizen, running towards us, with the mob at his heels, they having mistaken him for Pomeroy. He stumbled and fell, and at the same moment we charged over his body and saved him. Just at that moment a company of soldiers who were quartered at the jail, came down on the run and we were all saved. The company did no more than to halt there, their numbers being insufficient for an attack on the rioters. Col. Moses Porter of U. S. Artillery was camped on the south side of Church Street, between the Terrace and Franklin Street, with a very good set of men. The rioters' camp was on the south side of Court Street on the Terrace and the site of the present Wilkeson block. There were some Pennsylvania troops where Delaware Street now is, south of



Ferry Street, and the U. S. regular Infantry were at "Flint Hill" on the Granger farm. It was Smythe's brigade.

Col. Porter determined to break up the mob at once. His whole force was drawn up, their guns shotted, and with the exception of two companies which he took with him, were left ready to support him if necessary, or defend the camp. When he reached a point a little south of South Division Street, he halted one company with two pieces of artillery, ready for action, and with the other company marched directly towards the mob, his men being armed with a sword and a brace of pistols each. Porter entered the building at the head of one file, and the other two went to the right and left, surrounding the building. Those outside started for their camp for arms, declaring they would be revenged upon the artillery whom they considerably outnumbered. All was anxiety, and fears were entertained as to the result, but little resistance was made in the tavern. A few billets of wood and bayonets were used, but the hands that used them fell with them and the riot was over there. We feared however that they would fall upon the artillery, and overpower them, when we beheld the Flint Hill men in heavy columns advancing upon the rioters' camp, and all was safe. They were surrounded and made prisoners and the choice given them, either to be dismissed from the service, and sent home, or march directly to Scajaquada Creek, not to visit Buffalo again, and to hold themselves ready to march into Canada at a moment's notice. They chose the latter, and afterwards proved themselves among the best troops we had.

In May, 1813, after Dearborn's Army returned from taking Little York, they encamped on the lake shore, about three miles below Fort Niagara, on the farm of Mr. E. Doty, from which place it was known a descent was to be made on Fort George and Newark, now Niagara. I went down to see the sport, and had the pleasure of witnessing the whole affair from the top of the mess house of Fort Niagara, where we had a battery which was constantly engaged with the enemy's batteries.

It was the most beautiful sight I ever saw. The morning was clear and bright, with a light wind off shore, scarcely making a ripple on the water. Our fleet moved slowly up, going no

faster than the row-boats, which were between them and the shore, and contained our infantry. All passed the Niagara River except the Growler, which anchored near Fort Niagara, and kept up a constant fire from that point. Our forces landed about half a mile above the mouth of the river under cover of the guns of the shipping. The first brigade was in the van, under General Scott. As the boats neared the shore, a rapid fire was opened upon them by the enemy who till then had lain concealed. The first attempt of our men to reach the top of the bank was repulsed, but before the second brigade had landed, the first re-formed, and with the inspiring air of "Yankee Doodle," they charged up again, and held their ground until the enemy retreated before them. The enemy had previously been driven out of Fort George, by shot and shell from our batteries; and all the buildings in the fort had been fired early in the morning.

My partner, Thomas Shearer, and myself crossed over the same day and rented a building of Mr. Wagstaff, and immediately had all the business we could do. We remained there until the 1st of October, when I returned to Buffalo, and on the evening of my arrival, entered into partnership with Mr. James Sweeney, who came to Buffalo in June, 1813. (Mr. Shearer preferring to follow the Army down the St. Lawrence.) This copartnership continued seven years. We then occupied a room in the second story of Joshua Gillett's store, corner of Main Street and the Terrace. There was a Citizens' Company here, to which all not otherwise in the service belonged; it had no regular organization, and consisted of such only, as from time to time assembled when the alarm gun was fired. Mr. Sweeney and myself never failed to go directly to the rendezvous, the Square now occupied by St. Paul's Church. Our first business on assembling was to elect officers from such as were present.

On the night of December 29th when the British troops crossed over to burn Buffalo, Joseph Bull was chosen captain, and we marched to Black Rock, only to see our troops retire in the most disgraceful rout and disorder. Those belonging East retired in that direction, while those who belonged West, scampered up the beach, and no power could stop them. We remained until there was no hope of checking the enemy and then retired on Niagara Street to Buffalo.

Johnson, a Kentuckian, one of Commodore Perry's gunners, had gone to the beach for a gun. I followed down and met the party near where the Canal crosses Commercial Street, and assisted them in bringing up the piece, which was mounted on a truck carriage, such as were then used on the decks of vessels. We got it in position on Main Street, opposite Niagara, and commenced firing, when the enemy arrived opposite the old tannery, but after the third shot it became unfit for use. Just at that moment Mr. Seth Grosvenor came to me bearing a white flag, saying he had been quite on the hill, and remembering that I was a paroled prisoner, and seeing me at the gun, came back to save me. The British troops were then formed in the graveyard on Franklin Square, and Col. Chapin was mounted and ready to go to them with a flag of truce, to make the best terms he could for the surrender of the place, and he also advised me to leave at once. At that time there were but seventeen persons remaining in sight and about the gun. Of these I can now remember only the following: Col. Chapin, Robert Kane, James Sweeney, Lyman Worden, Seth Grosvenor, Samuel Parker, Elisha Foster, George Stow, Jason Tigner, Timothy McCuen, Joseph Hoyt, Mr. Hull, myself and the sailor Johnson before alluded to as a Kentuckian; and Groesbeck, who was wounded in the face at Black Rock that morning. I left directly, going West, and to show that I did not leave any too soon I will state a person who joined us near the Terrace, was shot going down the hill, at the end of the Terrace. He was a blacksmith and I think his name was Springsted or something like it.

We returned to Buffalo on the afternoon of the 2d of January, 1814, and remained until evening, visiting Reese's blacksmith shop where had already been collected 13 bodies of our slain; and on finding that Mrs. St. John, who occupied the only remaining house, could not lodge us, we went to Williamsville that night, and in the morning walked over to Mrs. Vandeventer's, about eight miles. Here we found Mrs. LeCouteulx with two sleighs loaded with furniture and accepted her invitation to ride to Batavia, where she found her husband, who had left Buffalo before her. From Batavia we went to Utica, thence to Sackett's Harbor, and after visiting Albany returned again to Buffalo, arriving here about the 1st of June, 1814.

Abraham Larzelere, who lived at Newark, U. C., when our army took possession of that place but who was a native of New Jersey, moved to Buffalo early in the Spring of 1814, and built the house next south of where Dr. Shelton lives on the west side of Pearl Street;\* and Sweeney & Efner occupied the half story above him. That building still remains, as does the old "Forbes" house, southwest corner of Pearl and Swan Streets† which we purchased in January, 1815, and moved into. Having soon after sold it, we bought the lot on Main Street, where Barnum's variety store now is, and as a little matter of history, I would mention that in front of this lot in 1814 I witnessed the execution of a Canadian Indian by Seneca Indians, they having condemned him as a spy, upon very trifling evidence. All our efforts to save the poor fellow were in vain, and after having shot him through the heart with a rifle ball, they lashed the body to a pole and bore it away on their shoulders for burial.

Our army crossed into Canada on the 3d day of July, 1814. Scott's Brigade crossed in boats from near the ground below where the stables of the Niagara Street Railway Company now are; the second brigade, commanded by Gen. Bissell, went a few miles above Fort Erie in vessels, and landed there. As lookers-on Sweeney and myself went over with the first brigade. (I had been exchanged the previous May.) The fort was immediately invested, and surrendered after firing but three cannon shots down the road we were moving up. Leaving a sufficient guard in the fort, the army returned to the river, opposite the ferry, and encamped for the night, and Sweeney and myself returned in the boats which brought over the prisoners. On the glorious 4th the army moved down the river and fired a National salute at the enemy at Black Creek, and on the 5th the great battle of Chippewa was fought and won in true military style over the veterans of the Peninsular War in Spain. Our army then crossed Chippewa Creek and moved down to Fort George and invested it; the enemy at that time held both sides of the river, at its mouth, Fort Niagara having been taken by Major Murray in December, 1813, and not yet retaken. Soon after

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\* Site of the new St. Paul's Guild house.

† Now the site of Dun's 10-story office building.

the investment of Fort George the enemy began to collect forces at Burlington Heights at the head of Lake Ontario, to raise the siege, and if possible to cut off our retreat. As soon as it was known that a large force was approaching from that direction, our army retired towards their garrison at Fort Erie.

While preparing to cross Chippewa Creek, intelligence was brought that the enemy were in force at Lundy's Lane. General Brown, who was Commander-in-Chief, ordered General Scott to return with his command and reconnoiter. Scott sent word back that the enemy were in force, and immediately gave battle, holding his position in the open field until his supports arrived. This was the hardest-fought battle during the war. Our army remained masters of the field, but as we retired the next day across the Chippewa, the enemy claimed a victory. We certainly took the most prisoners, and among them General Riall. It was in this battle that General Miller replied to the question whether he could take the battery which was so destructive to our ranks, saying, "I will try, sir." This was on July 25th and our army arrived at Fort Erie about the 1st of August, and by the 5th the enemy had invested the place on the land side, the communication by water to Buffalo being open during the whole siege. A few days after the investment, the enemy crossed over, about 1300 men, and landed them below Scajaquada's Creek, intending another raid upon Buffalo, but Major Forsyth held the southern bank of that stream with 250 riflemen who had taken up the plank from the bridge, and so disposed of some logs and timber as to afford protection against musketry. Every attempt to cross on the stringpieces was repulsed with heavy loss. The enemy then filed into the woods intending to continue up the stream to a ford, but the riflemen kept opposite them, sheltering themselves behind trees, and making sure of their man at every fire, until the enemy finally retraced their steps, and returned to Fort Erie.

On the dark night of August 25th, General Drummond made a desperate attempt to storm Fort Erie. Our infantry lay along a line of breastworks, extending from the Fort to Towson's battery, along the angle from his battery into the river, and also along the angle from the northeast bastion of the Fort into

about four feet of water at each termination, our artillery being in Towson's battery and in Fort Erie. The enemy exceeded us largely in numbers, and battled manfully for the prize, but did not get into our works, except at the northeasterly bastion of Fort Erie, which was taken by a storming party, closely followed by a heavy column of infantry supports. At the moment when the enemy were pouring in, and around it, either by accident or design, the bastion blew up. Lieut. McDonough, its brave defender, perished in it.

This terminated the contest; such of the enemy as were able to retire, did so leaving behind them their dead and wounded. Mr. Sweeney and myself assisted in bringing the wounded from the landing to the hospital, and the faces of the poor fellows were so fearfully disfigured, that the sight of them was sickening. From Towson's battery there was a continuous sheet of fire, and every attempt to storm it was repulsed. The Dewateville Corps endeavored to flank it, by turning the angle, by wading around the end, around the angle wall, which extended into the river; this however had been provided against, by placing a sufficient guard there to receive and disarm them as fast as they came around. This was done in the most quiet manner, except as to such as either attempted to return or make fight, who were shot down, to float away by the strong current there.

The siege was continued until the 17th of September, 1814, when that brilliant and memorable sortie was made which relieved us from the presence of the enemy in this vicinity during the remainder of the war. General Peter B. Porter had been for a few days collecting volunteers here, for the purpose of raising the siege; these could not be compelled against their wishes, to go beyond our frontier, and resort was therefore had to calling for volunteers from them to cross over. They were accordingly formed on Niagara Street, with their left bent round on Main Street, and General Porter, leading the music, passed along their front, calling for volunteers. The march was down Main and Erie streets to Pearl, and up Pearl to Niagara again. The first time around he appeared to have got somewhat more than half. One company, that of Captain Richardson of Cayuga County, all volunteered the first time around. Every

time they passed around, the volunteers would cheer, and jeer their comrades who were left, and this continued until nearly all of them had been brought in. Thomas C. Love was among the number (from Genesee County I believe), and after the war became an honored citizen of Buffalo. I well remember that this volunteering took place during the most tremendous rain-storm I ever witnessed. General Porter was completely drenched, but would seek no shelter until his work was finished. The volunteers were then marched to the boats prepared for them, and taken over to the fort.

The sortie as before stated was on the 17th and the column led by General Porter consisted of volunteers and a few Indians who made a circuit so as to strike the right flank of the enemy, cutting out the underbrush as they advanced; and the regulars, commanded by General Miller, took a position in the ravine, between the fort and the enemy's batteries, and were to move upon them directly upon the commencement of firing being heard from Porter's party. The charge was promptly made and beautifully executed; the guns (24-pounders) were spiked, the trunnions knocked off with sledge-hammers, taken with them for that purpose, and the gun-carriages broken up. The enemy began to retire the next day towards Burlington Heights, and continued until we were left in undisputed possession of the place. The enemy held Fort Niagara until the close of the war.

In 1836 I went over the ground with General Miller, who related a circumstance to which he attributed much of the spirit of impulse and daring evinced by his men on that occasion. He said that after his men had all arrived in the ravine, and just as he was about to join them, a dispatch boat from Buffalo brought him a handbill giving the first news of the victory over the British fleet at Plattsburg, which he read to his men, and the instant he finished the reading, the firing commenced by Gen. Porter's column, when his men rose up, and with cheers and shouts rushed upon the batteries and carried them.

The copartnership of Sweeney and Efner continued until 1820, when Mr. Sweeney moved to the corner of Main and Erie streets, doing a successful business until the loss of his sight, when he purchased the land at the confluence of Niagara

River and Tonawanda Creek, a part of which he laid out into village lots, and resided there until his death, on January 13, 1850, mourned by numerous friends, and by the poor to whose wants he never turned a deaf ear.



BUFFALO'S FIRST MAYOR,  
  
DR. EBENEZER JOHNSON.

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PAPER READ BEFORE THE SOCIETY, FEBRUARY 12, 1877.

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BY F. M. INGLEHART.

Dr. Ebenezer Johnson was born in New England on the 7th day of November, 1786. His father, Captain Ebenezer Johnson, was born May 9, 1760. The latter was married to Deborah Lathrop, the mother of Dr. Johnson, August 13, 1783. The following, copied from the fly leaf of an old family Bible, shows the vigorous and eventful life of Dr. Johnson's father :

The life of Captain Johnson, an old sea captain, was full of extraordinary vicissitudes. During the Revolution he narrowly escaped the massacre at Fort Groton, having been refused admittance into the last boat which left for the shore, it being already overloaded. He was fired at in company with four others, while retreating from New London, after it was taken by the enemy. His companions were all killed, and he escaped with seven ball holes through his clothes. During part of the Revolutionary War he was employed as deputy commissary for the New England forces. He was engaged in sixteen actions at sea during the Revolution, was seven times taken prisoner, and was confined three months in the Jersey prison ship, where as is well known, incredible hardships were endured, and few survived to relate their sufferings. On one occasion, while a prisoner, he and his comrades, being driven to desperation by their sufferings, Captain Johnson secured a light, and making his way to the magazine of powder, threatened to fire it unless the officers would pledge him their honor to grant the prisoners some relief and not injure him for what he had done. The officers, knowing his determined character, acceded to his terms.

He assisted in boarding vessels of the enemy at seven different times, and once he, with four others, having sprung on board an English vessel, a heavy sea separated the ships, preventing any more of the American crew from coming to their assistance; but they carried the vessel, which was a transport loaded with prisoners, before their own ship could again be laid alongside the prize.

At another time, when in command of a privateer off the West Indies, he came across an English vessel. A severe encounter ensued, which continued until darkness and high winds separated them. At daybreak no enemy was to be seen, and on mustering the survivors it was found that forty-seven only were alive out of a crew of one hundred and nine.

Captain Johnson greatly distinguished himself when a sailor before the mast, at a capture of a prize loaded with arms and ammunition, by his extraordinary strength and courage, at the head of the boarders, carrying the vessel in five minutes. He was several times wrecked, and once after losing his ship, and all his men save one, traveled eighty miles, bare-foot and almost naked, under the burning sun of the West Indies, his feet torn by thorns, before he could find a human habitation.

In the severe winter of 1780 he was taken almost lifeless from the snow, and was with difficulty restored.

To recount the "moving accidents by flood and field," which occurred in his eventful life, would take a volume. It was indeed a miracle of Providence that he should have escaped such multiplied dangers to die in his bed at the advanced age of 81 years.

Captain Johnson left the sea soon after the close of the Revolutionary War but always retained many of the peculiarities of a sailor and a deep interest in the welfare of seamen. He never forgot the mariner's phraseology, and during his last words, in his momentary delirium, he uttered the command which was familiar to his youth, "Bear down, boys, and prepare to board!" He was a member of the Episcopal Church and expressed in his last moments his reliance upon the Saviour for happiness hereafter.

Dr. Ebenezer Johnson studied his profession with the celebrated Dr. White of Cherry Valley, in this State. Intending to settle in Buffalo, at the age of 23, he brought a letter of introduction to Mr. Erastus Granger, of which the following is a copy :

CHERRY VALLEY, Aug. 31, 1809.

ERASTUS GRANGER, ESQ.,

*Dear Sir*.—The bearer of this letter (Dr. Johnson) is in pursuit of a place in order to settle himself in his professional business. I have directed him to call on you as the most suitable person to advise him of the propriety or impropriety of settling in Buffalo. Dr. Johnson hath been a student with Judge White before and ever since my partnership with the Judge, and it is but doing my duty to Dr. Johnson to state that he is a young man of unblemished morals, well read in his profession, and justly entitled to the patronage of the public.

I remain with respect and esteem, your much obliged friend,

HEZEKIAH GRANGER.

Of his first appearance in Buffalo it has been said: "Among the new comers was another of the big men, who by strength of brain and will, and almost of arm, fairly lifted Buffalo over the shoals of adverse fortune." Tall, broad-shouldered, fair-faced and stout-hearted, young Dr. Ebenezer Johnson entered on the practice of his profession with unbounded zeal and energy in the fall of 1809, and for nearly thirty years scarcely any man exercised a stronger influence in the village and city of his adoption.

It is not certain that Dr. Johnson presented the letter above referred to till late in 1810, at which time it is believed he came permanently to Buffalo and entered upon the practice of his profession, but not without encountering some obstacles to his immediate success. Dr. Cyrenius Chapin had already established himself as a practicing physician and had opened a drug store, through which means he had nearly the monopoly of business. Dr. Johnson was young and without capital, and he applied to Mr. Ellicott, the agent of the Holland Land Company, to aid him by a loan of a few hundred dollars to enable him to open an opposition drug store, representing to Mr. Ellicott that his settling in Buffalo to practice medicine, had already reduced the expense of medical attendance to the inhabitants at least one-third, and that the establishment of another drug store would reduce the price of the articles he proposed to keep in the same proportion. His letter to Mr. Ellicott is dated January 4, 1811, and closes with saying: "I shall be on my way to Albany the first sleighing, and will do myself the pleasure to call on you at

your office." Whether the application was successful or not does not appear from the correspondence; but from the fact that on the breaking out of the war Dr. Johnson accepted an appointment from the State as assistant surgeon of volunteers, which he held to the close of the war, it is inferred that he did not immediately carry out his design of opening a drug store. He continued in the practice of medicine up to the close of the war.

We take the following from an old copy of the *Buffalo Commercial Advertiser*, bearing date October 8, 1849:

The death of the Hon. Ebenezer Johnson, late of this city, has already been noticed in the *Commercial*, but something more is due to the memory of one of our oldest citizens, who was for many years connected with all the important interests and events of this city. Dr. Johnson became a resident of Buffalo before the commencement of the last war with Great Britain, and was for several years a practicing physician, having an extensive ride through the then sparsely settled country in the vicinity of Buffalo.

He was for a time connected with the army as a surgeon, and was absent from his family on this duty at the time the village was destroyed by the British. After the war Dr. Johnson left his profession and entered into mercantile business in connection with the late Judge Wilkeson, and was engaged for many years in an extensive and lucrative business. He was an exceedingly prompt and energetic business man, distinguished for his punctuality and industry, and was, until the reverses of 1836, one of the wealthiest citizens in Western New York. He filled several offices with credit, among which was that of Surrogate of the County of Erie.

He was the first Mayor chosen under the city charter, and was subsequently elected for a second term. It is no disparagement of many excellent officers who have administered the affairs of the city to say that a more active and efficient chief magistrate never presided over the Corporation of Buffalo.

He was a man very rigid in the enforcement of business obligations, but had nothing of a narrow or contracted spirit. He was ever ready to contribute both time and money to the interests of this city, and was generous to a fault.

The act to incorporate the City of Buffalo was passed April 20, 1832. The Common Council were elected upon the 26th day of May of that year, and held their first meeting for choice of Mayor upon the 28th of May. In addition to the office of Mayor, Dr. Johnson held also during that year, the then responsible and honorable position of President of the Buffalo Literary and Scientific Academy.

A gentleman well known in this city and one who was intimately acquainted with him in business, as well as socially, thus tersely describes him: "He was generous and social in nature, pleasing in countenance, commanding in appearance, frank in expression, decided in his conclusions, self-reliant, a strict disciplinarian and obeying all laws of City, State and Country, excepting the law against usury and shaving notes." Another old resident of the city, speaking of Dr. Johnson says: "I knew him well. He was a man perfectly honest and straightforward in all his dealings with men." He would frequently say, "To do this is clearly my duty, and when my duty is clear it is peremptory." He never swerved from what his conscience and judgment dictated, either to shield a friend or harass a foe. Take him all in all he was a man pre-eminently fitted to fill positions of public trust and honor.

His first purchase of real estate was in 1814, although his name appears as an applicant for lots in the books of the Holland Land Company in 1811 and 1812. He purchased inner lot No. 63 on Main Street in 1814, upon which he built a wood dwelling, where he resided until he built the stone cottage on Delaware Street, now occupied by the Buffalo Female Academy. He purchased outer lot No. 30 in 1814, and subsequently bought the whole block of land on Delaware Street, extending from Chippewa to Tupper Street, bounded westerly upon the State Reservation line, or the south line of the South Village of Black Rock, making in the aggregate about twenty-five acres. He enclosed a considerable portion of it as a park with a high picket fence, within which he had a fish pond, and kept water fowl, deer, and other wild animals. A porter's lodge guarded the front gate on Delaware Street. The splendid elms in front of the property were originally planted by him. He afterwards bought inner lots Nos. 95 and 96, also inner lots Nos. 100 and 101. Becoming associated with Judge Samuel Wilkeson in general business, they bought a great number of village lots together in different parts of the city.

Dr. Johnson's business qualifications were of the first order, and after giving up his profession he engaged actively in business in which he was very successful and accumulated a large fortune.

He was esteemed one of the wealthiest men in the city. In all his public duties he devoted himself with untiring industry and fidelity, and to the universal satisfaction of his fellow-citizens. But like most of our active business men of that day his affairs were not exempt from the ordinary vicissitudes of the financial revolutions of the time, and his ample fortune was swept away and he was driven to seek support for himself and family in a distant State, by working some iron mines, which, in the course of business, had come into his possession.

I have jotted down a couple of well-known incidents connected with Dr. Johnson, which I think, will survive as long as does his memory. At the time when the matter of opening and laying out Lloyd Street was before the Council, the Doctor was the owner of a piece of property upon the canal, which would be taken for the street if a certain resolution should be passed. In those days, I am advised, the City Charter provided that no property could be taken by the city for the purpose of opening a street, if upon the property there was a building of the value of fifteen hundred dollars or upwards. About the time the lot I have referred to was to be taken, in order to avail himself of this clause of the Charter, Dr. Johnson employed all the men he could find and hastily erected a brick building upon the premises. The night prior to the day upon which the Council were to pass upon the question of opening the street, the walls of the structure were up ready for the roof, and the Doctor was congratulating himself upon the manner in which he had outwitted the city fathers. Upon the night in question a stiff Buffalo zephyr arose and the Doctor in the morning, to his chagrin, found the building level with the ground. The Council, not slow to avail themselves of this fortuitous circumstance, on the following day, to the no slight disgust of Dr. Johnson, passed their resolution opening the street through the property. Many a hearty laugh was had thereafter at the Doctor's expense.

At another time and during his term of office as Mayor, and also during the time he was in the exchange and banking business, in partnership with Philander Hodge and his nephew Mortimer F. Johnson, a little incident occurred showing not only his keen sense of humor but his determination to have the

city laws obeyed under his administration by all, whether his intimate friends or entire strangers. The two youngest members of the firm, Hodge and M. F. Johnson, had purchased a trotting horse, and riding out one afternoon, in coming down Main Street, for the purpose of showing to Dr. Johnson the metal of their animal, they passed the banking office at a much greater rate of speed than under the city ordinances was permitted. After finishing their ride the two gentlemen returned to the office praising the fine qualities of the horse. They had scarcely seated themselves at their desks when a constable appeared and summoned them both before the magistrate for violating the ordinances regulating fast driving, on account of which violation, at the suggestion of the presiding officer, both gentlemen donated to the city the sum of ten dollars. It subsequently transpired that the complaining witness in the case was Dr. Johnson, the senior member of the firm.

In January, 1822, an agent of an Eastern company came to the village to select a place to build a steamer and make a contract for the work. He was directed to build at Buffalo unless he should be satisfied that its harbor was not available. He went to Black Rock first and its people soon satisfied him that the Buffalo harbor was useless, laying special stress on the assertion that it would remain filled with ice after the lake was clear in the spring. The agent therefore made arrangements to build at Black Rock and came to Buffalo to have the papers drawn. The public spirit of Dr. Johnson and his constant solicitude for the interests of the village are shown by the active part he took in this competition between the two villages.

The Buffalonians heard what was going on and an excited crowd gathered around the hotel where the agent was staying. To have it decided that the harbor was not fit to build a steamboat in might be ruinous. It was rumored that the agent was about to return East and no time was to be lost. Dr. Johnson and Judge Wilkeson were deputed to wait upon him. Their only instructions were to get the steamboat. "Make any arrangements you think necessary," said the citizens, "and we will stand by you."

The committee entered the agent's room, introduced them-

selves and asked why he did not intend to build at Buffalo as his principals expected. That gentleman gave the reason which had prompted his action, naming especially the danger that the steamer would be detained by ice.

Either Dr. Johnson or Judge Wilkeson promptly replied: "We will furnish timber at a quarter less than Black Rock prices, and give a judgment bond with ample security providing for the payment of \$150 for every day the boat shall be detained in the creek on account of the ice beyond the 1st of May."

The offer was at once accepted, the necessary arrangements were made, a contractor was found for the timber, and the bond agreed upon was signed by nearly every responsible citizen. The building of the vessel soon began and went steadily forward. As spring approached the citizens looked for a freshet to clear out the loose sand, gravel, etc., which still remained in the harbor. A freshet did come, but as there was a large bank of ice at the mouth of the creek the high water carried an immense amount of sediment upon it, making a formidable dam. Several expedients were tried for removing it but without avail. Meanwhile the 1st of May was approaching and it was evident that extraordinary exertions must be made or the citizens would be saddled with a bill for damages on their bond, which at that time would have been enormous. A subscription of \$1,361 was raised—a little in cash, the rest in goods or labor. Dr. Johnson subscribed the largest sum—\$100—"in goods at cash prices." The other amounts ranged from \$100 down to \$2. One man subscribed "a certain brown cow with a white head," to be appraised by the harbor commissioners.

By the energetic use of the aid this provided, a channel was cut through by the 1st of May. On that day, although the channel was dangerous, the steamer passed safely through, and the bond was cancelled.

During the time that Dr. Johnson was Mayor, what was in those days not an unusual occurrence among the Irish, a riot, occurred in the district bounded by the canal, Main and Commercial streets. The Mayor, hearing of the fracas, drove with all speed to the scene of disturbance. Alighting from his chaise, brandishing his cane in all directions, he pressed into the midst



of the rabble, and as an eye-witness has said, "seemed by the very force of his presence to quickly restore order." All who knew or saw him at times like these, when public interests were at stake, could not but feel that his was a positive character, and although at all times gentlemanly, his fire and energy would at times break forth, and his imposing appearance and iron will would make him master over occasions piled high with difficulties.

At another time, when the city was inadequately supplied with fire engines, Dr. Johnson as Mayor issued his manifesto that no fireworks or firearms should be used upon the Fourth of July. A number of young men of the city, some of whom are now grey-bearded gentlemen of this Society, deeming the above order altogether too arbitrary and tyrannical and urged on by feelings of patriotism, or, more likely, love of fun, determined in spite of the Mayor's proclamation properly to celebrate the day. The Mayor hearing of their plan, provided with horse, chaise, whip, cane and dog, stationed himself on Main Street near Niagara ready to enforce obedience to the laws. Soon the street near where the Mansion House now stands seemed all ablaze with the old-fashioned fire balls. The Mayor was soon on the spot, but not a boy could be seen. Simultaneously another display was started in front of the old Eagle Tavern, near Court Street. Hither the Doctor quickly drove, but all was quiet and not a boy in sight. Then near the Mansion House the display was renewed. Thither he drove in all haste, but as before the patriotic youths were invisible. Then again the balls were flying in front of the Eagle Tavern. How long the joke was continued, or how long the chief city official kept driving between the two points does not appear, but we are told that for about an hour he was constantly violating the ordinance regulating the rate of speed while on Main Street.

One of our old residents says: "I became acquainted with Dr. Johnson as early as 1812. He established his office in the village and while he was yet a bachelor. Upon one occasion he was called upon by one of his Eastern friends and while having a social chat with him the Doctor sent out for a bottle of whiskey with which to entertain his friend. The messenger soon

came back without the whiskey. The money not having accompanied the bottle, the store-keeper refused to trust the young Doctor as he doubted his responsibility. From this time forward he was determined to establish a credit and show the people that Ebenezer Johnson's credit was good not only for one quart of whiskey but for whatever else he wished to buy. He persevered in his practice, was prudent in his expenditures and was so successful that he soon became one of the prominent men of the village."

The Doctor, in after years, frequently said that the above occurrence so mortified him, that it ever afterwards was a powerful incentive to hard, laborious study, and had much to do in making him a persevering, energetic business man.

Shortly after his marriage he became the owner of a large frame dwelling house on Main Street, near where the North Church now stands. His premises were large and extended back to Pearl Street. His fruit and vegetable garden was quite extensive. In front of his house was a large red cedar hitching-post, which remained for a long time a relic in the family by reason of its having several bullet holes through it, made when the village was burned on the 30th of December, 1813.

At one time he was enclosing, with a high, tight board fence a few acres of land where the stone cottage now stands, intending to let the spot for a public garden. The boards were purchased from countrymen as they passed the house on their way to the market down town. In this connection an acquaintance of his says: "I was in at a book-auction one evening on the east side of Main Street just above the Mansion House, as the auctioneer was holding up a book and crying, 'How much for the life of Dr. Johnson?' Several bids were made, the highest of which was seventy-five cents. Just then the door opened and in walked a tall, stout, clumsy back-woodsman with his ox-whip in his hand.

"'Seventy-five cents,' cried the auctioneer, 'who will bid more for the life of Dr. Johnson?'

"'One dollar!' shouted the countryman. 'I sold him a load of boards today and I want to read his life.'"

Now I feel constrained to turn aside for a little time, from my narration to perform a most unwelcome task. Were it not for the assurance I have that the august members of this Society are lovers of historical fact and truth rather than of exciting scenes and thrilling stories, I should hold my peace and leave unsaid that which none but the devotees of Clio would willingly hear. There are several things to which the average Buffalonian clings as tenaciously as did Ephraim to his idols. He knows that Delaware Avenue is finer than Euclid Avenue. He loves his Park, the "most beautiful in the world," and as he drives the innocent stranger from New York along its well-kept roads, he loves to tell him as he points to Dr. Lord's house,\* how the minister who used to live there was once a young lawyer; ran away, yea, eloped with her who became his wife; yes and upon the young woman's writing-table, after her departure, the enraged father found only these words: "The Lord gave and the Lord hath taken away, blessed be the name of the Lord."

Never have I heard my late lamented uncle deny this story, for he was not one to snatch such a treasure from the hands of the multitude, unless it were absolutely necessary. He always smiled when it was told in his presence, even when, as sometimes happened, he was represented as standing at midnight under Miss Johnson's window arrayed in the black hat and long sweeping feather of the Italian bandit, while upon his boots were heavy spurs and against his side hung a jeweled sword, the gift of Captain Kidd—according to some—purchased, so said others—with money which Mr. Lord and some young legal friends had collected at a service in Canada when upon a spree they had preached and passed the plate. So attired he was made to sing to the accompaniment of his guitar, "Oh fly with me, my love!" whereupon the window is raised and Miss Johnson, in "black velvet and pearls" comes hand over hand down a knotted rope at least a hundred feet long. A carriage with four pure white Arabian steeds awaits them, and together they fly to his villa on "Lake Erie's distant shore."

\*This was a picturesquely-gabled frame house on Delaware Avenue opposite Forest Lawn, and hidden among trees. In the spring of 1894 the old house was demolished, the trees cut down and a street opened through what were once ample grounds. Dr. Lord died Jan. 21, 1877.—ED.

Such a story, giving full liberty to the imaginative powers of all, is a priceless inheritance for any people, so that I can hope for nothing more sympathetic than forbearance, as I narrate the unembellished facts.

Dr. Johnson wished his daughter to marry a young man of wealth and position in the then village of Buffalo, but his daughter, with a strange obstinacy which has sometimes been discovered in the sex, said she wouldn't, for she knew there was a young lawyer, John C. Lord, by name, who cared a good deal for her, and she thought a great deal more of him than she did of the rich young man. Dr. Johnson gave a large party to which all who were considered anybody in the village were invited. Mr. Lord, who was very well known as a rising young man, received an invitation. This brought about a climax. One afternoon soon after as Miss Johnson sat upon the porch with her mother, a boy handed her a note which read about as follows :

“ Will you marry me, and will you marry me at seven o'clock tonight? ”

The mother looked suspicious, but Miss Johnson, in the most unconcerned way imaginable, said to the boy: “ Oh—you may say—Yes.”

Precisely as the clocks were striking seven Miss Johnson quietly walked out to the gate where she met Mr. Lord with his carriage. Now comes the strangest part of this remarkable elopement. The carriage was driven by a gentleman, a friend of the family, who is still living in our city, while two of the most respected citizens of the village accompanied the young couple to the minister's, where they were made husband and wife. Thence they were driven to the house of a friend where a large company had gathered to offer their congratulations. In fact, there were more form and dignity about the runaway match than any we have happened to hear of.

When Dr. Johnson was told the news late in the evening he was not overjoyed, neither did he break the furniture nor tear his hair in vexation. He took it very quietly as did also Mrs. Johnson, who soon called upon her daughter and invited her to come home, but as the invitation was made so as to exclude her

husband, we are right when we imagine that it was not accepted. So everything continued for a time. The final reconciliation came about in a very unromantic way.

Dr. Johnson was very fond of fishing. So was Mr. Lord, or at least he always thought he was, when the father of Miss Johnson gave the invitation. The Doctor started out on a fishing excursion early one morning. Just a little way ahead of him, going to his law office, was an early bird, that sure enough was just about to catch a very large worm. It was Mr. Lord. The Doctor remembered the pleasant excursions they had had together. He wanted a companion. He began to relent, and the next moment the young lawyer heard a voice crying out, "Lord—don't you want to go a-fishing?"

Less poetical surely, than the conventional "Bless you, my children!" of the irate father who has at last forgiven the man who ran away with his daughter; but it meant the same thing, and we need scarcely add "they all lived happy ever afterwards."

For many years Dr. Johnson was one of the leading and most influential citizens of Buffalo. His name was connected with every enterprise of importance, and his wise counsels and good judgment in all emergencies contributed in a great degree to the success of those projects which developed the resources and business of our city. In his person were united in a rare degree those characteristics of mental and physical energy, which, in a larger sphere of action, would have gained the admiration of a nation. He was a man of imposing personal appearance, grave and dignified in demeanor, but alert and resolute in action and possessing that indomitable will, which allied to mental power, achieves success in the walks of life.

These traits of character were particularly manifested in the discharge of the duties of the office of Mayor in 1832. The summer of that year witnessed the advent of that unknown and dreadful scourge—the Asiatic cholera. Dr. Johnson was appointed Mayor in June, upon the organization of Buffalo as a city, and the first and momentous matter to which his attention was directed as the chief magistrate, was the threatened visitation of the pestilence. It had already developed at Quebec,

and other cities upon the St. Lawrence, and its progress was certain along the water courses and highways of travel of our country. Medical science was baffled as to any proper mode of resisting or even palliating its terrible effects; business was paralyzed, society depressed and the community appalled as the shadow of the mysterious scourge began to fall. But Dr. Johnson at once devoted himself to the work of preparing for the dreadful emergency. The city was distracted and an organized system of purification and cleansing undertaken and carried out, which beyond all doubt, prevented the pestilence from assuming larger proportions. And when it did come it was met bravely and cheerfully by the Mayor and Board of Health, whose labors were untiring and whose counsels contributed to allaying popular apprehension. His devoted labors and untiring energy in the emergency earned for Dr. Johnson the respect and admiration of all our citizens and at the conclusion of his term of office, the Council ordered his full-length portrait to be painted, which happily portrayed his commanding presence. This picture, by Jackson, was destroyed by the conflagration of the city buildings a few years since, when several other portraits were lost of some of our most venerable citizens.

An anecdote has been told in connection with the building of the cottage on Delaware Street, which will bear relation. In those early days it was customary at the close of every term of court, when regular business was finished, for the presiding judge to call the bar to order for the purpose of allowing a free discussion of the trials and incidents of the term, and a general interchange of opinion upon all subjects. Upon these occasions the lawyers indulged in sallies of wit and humor, and in remarks upon current matters which produced much merriment and solaced the graver cares of bench and bar. At one of these meetings convened about the time of the erection of the cottage, when it stood a huge and conspicuous pile of stone amid the open fields of Delaware Street, that prince of wags, Counsellor John Root was dilating at length in his humorous manner upon the growing importance of Buffalo. He finally spoke in a subdued and melancholy tone of the transitory nature of all earthly glories and pictured its situation, when, after many centuries had

elapsed, the future antiquarian should visit the ruins of our city as we now do the ruins of Thebes or Nineveh or Persepolis. As he wandered along our docks he would say "Here were the wharves where the commerce of the world once centered, now desolate forever." And coming to the old market-place he would exclaim, "and here where all is silence, the people gathered to exchange and buy and sell." He would soon stop at the ruins of the Court House, and sorrowfully remark, "Here was the Temple of Justice, the forum where law was administered to a people who vainly thought their institutions immortal." And then proceeding in his search for the remains of an antique age, he would notice the ruins of churches and edifices unpeopled for many an age; and finally extending his researches and explorations to the open plains of Delaware Street, he would come upon an immense pile of stone where Dr. Johnson's cottage stands, and say, "And here, beyond all doubt, was the stone-quarry where the people quarried all their building-stone."

Dr. Johnson was twice married; his first wife was Sally M. Johnson. They were married January 25, 1811, at Cherry Valley, by Dr. Joseph White. Of this union three children were born—William, Sally Maria, afterwards Mrs. Dr. Inglehart, of Cleveland, Ohio, and Mary E., wife of the late Dr. Lord, of Buffalo, the latter being the only one now surviving.\* December 7, 1835, Dr. Johnson and Lucy E. Lord were married at Millersville, Madison County, N. Y., by Rev. John Lord, father of the late John C. Lord, of this city. The only children now living of this marriage are Mrs. Horace Utley and Herbert Johnson.

Dr. Ebenezer Johnson will long be remembered by our older citizens as one of the pioneers of Western New York, to whose industry, ability, energy, public spirit and perseverance Buffalo is largely indebted. He died at Tellico Plains, East Tennessee, of dropsy on the chest on the 23d day of September, 1849, at the age of 62 years.

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\*Mrs. Lord died May 26, 1885.—ED.





*"Urbem condidit."*  
*"He built the city by building its harbor."*

## SAMUEL WILKESON.

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PAPER READ BEFORE THE SOCIETY, 1871.

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BY THE REV. JOHN C. LORD, D. D.

The persecutions of the Presbyterians of Scotland during the dynasty of the Stuarts form a familiar page of history. Poetry and romance have combined to popularize the theme and have kept the monuments of the persecuted Covenanters fair and freshly engraven, performing in another way the office that Walter Scott assigns to Old Mortality.

During all these persecutions, protracted with more or less severity, through the reigns of three British monarchs, there was a constant emigration of the non-conforming Presbyterians across the channel that separates Scotland from Ireland.

Strange to say, their persecutions ceased as they crossed the narrow sea, and the harassed Covenanters found peace and religious freedom in Ireland, though under the same government. The secret of this forbearance is perhaps discoverable in the fact that the center and south of Ireland were inhabited by Romish non-Conformists with whom all the Stuarts sympathized, and it was probably deemed inexpedient to execute with vigor the statutes against schism, the enforcement of which was desolating Scotland.

The emigration to Ireland seems to have attracted little attention; there the Scotch colonies grew and flourished—a

peculiar community—reclaiming the wastes, subduing the stubborn soil and building towns and cities on the coast, worshipping God after the Presbyterian model, and singing the grand old psalms of the Scottish Church with none to molest them or make them afraid.

They prospered until their exodus was almost forgotten, until their children held Ireland dear as their native land. Like all prosperous communities circumscribed by the sea, they soon overflowed and a second emigration commenced to the British Colonies of North America.

When the war of the American Revolution broke out the Scotch-Irish were found everywhere on the side of liberty.

The Mecklenberg, N. C., convention and bill of rights—the precursor and perhaps the model of our Declaration of Independence—had a Scotch-Irish origin.

The peculiarities of the Covenanters, somewhat harsh and stern, were modified by both emigrations. The exodus from Scotland to Ireland and from Ireland to North America, gave them an elasticity, a breadth of thought, an adaptedness to new political conditions and a gift of leadership wanting to their ancestors. Like the transfer of a hardy northern plant to a more genial clime, where a before unknown growth and fruitage follow, was the exodus of the Scotch Presbyterians—first to Ireland and next to North America. Many of them ranked among the foremost men of the Republic, and without the “Blarney Stone” of “Plymouth Rock,” they moulded, in proportion to their numbers, the destinies of the nation, in a degree not inferior to that of the Puritans who settled New England. Among our patriots, statesmen and orators, they hold a distinguished place; many of them have been eminent jurists. At least two Presidents were of North-of-Ireland descent, and, generally, it may be said that no more stable, intelligent and moral population can be found in the United States than the descendants of the Scotch-Irish Presbyterian colonists.

Of this noble stock was the subject of our present memoir, the late Samuel Wilkeson, who once told me that his first remembrance of public worship was a Presbyterian service in the then wilderness of Western Pennsylvania, the congregation sitting on logs, while the preacher’s pulpit was a stump.

Western Pennsylvania was largely settled by Scotch-Irish, and two-thirds of the business signs of the city of Pittsburg today indicate the Scottish origin of the population. They constituted and now constitute a majority of the people of that large section, where, immediately after the Revolution, raged the so-called Whiskey Insurrection, which gave Washington so much anxiety and led to the first call of United States troops to sustain the Government against open revolt. This is the only dark spot upon the escutcheon of our Scotch-Irish population, and it grew out of a question of taxation. They were and are a sober and religious people, and the fact of their taking up arms against the Government which they had so recently helped to establish, seems at first view altogether unaccountable. But it must be remembered that the chief export of Western Pennsylvania at that time was whiskey; grain would not bear exportation in any other shape, and that chief staple was the product of its distillation. Besides, they were themselves accustomed to the moderate use of the article—I say moderate, for they deemed drunkenness a sin, though it was before the temperance reformation—and a Scotchman having prescribed for himself what he deemed a safe and reasonable allowance, was not likely to exceed it. “Old Monongahela” was known over the continent as the best liquor of the kind in the world, and Western Pennsylvania found great profit in its fame. The honesty of the population prevented its being either watered or drugged, and age gave it a flavor universally esteemed. To illustrate its fame I may be allowed to relate an anecdote of the early days of Buffalo.

Major Miller, the ancestor of many residents of this city, kept a public house between Buffalo and Batavia at which the witty Counsellor Root was a habitual caller on his frequent journeys to Batavia to attend court. On one such occasion, Major Miller informed the Counsellor that he had just tapped a barrel of extra Old Monongahela, such as the said Counsellor had never before tasted. He, by no means reluctant to try so wonderful an article, after tasting it held the glass to his ear.

“Mr. Root,” said the astonished Major, “why do you put the glass to your ear?”

"Major," replied the Counsellor, "do you call this Old Monongahela? I can hear the sound of the flails in it that thrashed out the rye."

The large tax upon whiskey, their chief article of commerce, the Western Pennsylvanians esteemed unjust and unconstitutional, and having made up their minds to resist it, with characteristic courage—not to say obstinacy—put themselves in a state of armed revolt. I need not say how a bloody arbitrament was avoided by the wisdom of Washington and the sober second thought of a sagacious and God-fearing population.

Whether the ancestors of Judge Wilkeson were concerned in the Whiskey Insurrection I can not say, but if the fathers were like the son, and had made up their minds that the tax was unjust, they were men to stand to that opinion with arms in hand. Perhaps this Presbyterian revolt may find a counterpart in Shay's Rebellion in Massachusetts—a Puritan outbreak.

Among the names of the early settlers of this city, none is more prominent than that of Samuel Wilkeson. No man in that band of hardy pioneers who laid the foundations of Buffalo, was more distinguished for great ability and indomitable energy, than the subject of this paper. His individuality, both physical and mental, was perhaps more marked than that of any other of our older citizens. Judge Wilkeson had a commanding presence; he was tall, erect and dignified in deportment, with a countenance indicating his characteristic firmness and energy. He was said to resemble General Jackson, who was of the same Scotch-Irish origin. He was apparently a stern man, yet this impression was soon lost, when his wonderful conversational powers were called into play.

He had a certain grim humor. One of the first anecdotes I heard of him after coming to reside in Buffalo was to the effect that, at a time when money was scarce, certain accounts being presented to him in his office in the Kremlin Block, the payment of which was rather importunately pressed, he looked at the bills and then at the creditors, and turning to one of his sons, said in a peremptory tone:

*"Eli, go sell a lot."*

On another occasion, in the early navigation by steam on Lake Erie, he was at the head of the dinner-table—I think of the old steamboat *Superior* on her passage to Detroit—and observing the unmannerly rush and clamor of a company of young men at the lower end of the table, he rose with great gravity, and with stentorian voice exclaimed :

“Ladies and gentlemen, have the kindness to wait until these famished young men lower down are sufficiently helped !”

For the following details of the early life of Judge Wilkeson, I am indebted to a member of his family.

He was born at Carlisle in Pennsylvania, June 1, 1781. He was the son of John Wilkeson, who was of Scotch-Irish descent, and who emigrated from near Londonderry, in the north of Ireland, to the banks of the Brandywine, in the State of Delaware, previous to the breaking out of the War of the Revolution. John Wilkeson served throughout that war as an officer in the army, and at its close removed from Carlisle, Pennsylvania, where he had sought a refuge for his wife and children, to West Pennsylvania. There he settled in the wilderness and cleared a farm, granted to him for his military services, in Washington County, near Pittsburg.

The subject of this notice was then three years old when taken across the mountains, and passed his youth in the midst of the hardships incident to settlements on the frontiers. His early education was confined to a few months' winter schooling, often interrupted by the troubles of that time.

While yet a young man, he married the daughter of Capt. William Oram, a retired Revolutionary officer, of the same descent, and in 1802 removed to what is now the county of Mahoning, in Ohio, near Youngstown. That great Commonwealth was then yet a territory, and there with his axe he cut down the forest and opened a farm and built a grist mill, the first in the vicinity.

In 1810 he removed to Portland, now Barcelona, near Westfield, New York, and in connection with parties in Pittsburg, engaged in shipping Onondaga salt to the Ohio valley. This salt was carried across the portage from Lake Erie to the Chautauque Lake, after its long and tedious course from the salt

springs of New York to Oswego, then through Lake Ontario to Lewiston, and across the Niagara portage to Schlosser, and then by the river to Black Rock, and by the lake to Portland. When it reached Chautauque Lake the salt was taken on boats which descended the streams to the Ohio River. The competition of the Kanawha salt works destroyed this trade, and in 1813, in a keel-boat of his own construction, he set out for Detroit to dispose of his remaining stock of salt. Stress of weather drove him into Grand River, Ohio, and while there he undertook the construction of a large number of boats, which were urgently required for the transportation of the army of General Harrison into Canada. The boats were built in a wonderfully short time, when the army crossed the lake and won the battle of the Thames.

4. Judge Wilkeson came to Buffalo in the spring of 1814 to reside. He had prepared a ready-made house, which he brought with him in an open boat, and it was erected on Main Street, on the Kremlin triangle, near Niagara Street. Twice, before he became a resident of Buffalo, he had come as a soldier to defend the town, and he was here when it was burned; at which time the captain of his company of volunteers was killed. On one occasion he stood beside the late Judge Walden when both were firing at a British force which had crossed the river at Black Rock.

He had become familiar with iron smelting in Ohio, in his youth, having lived near the first blast furnace, at Poland, Ohio, which was built in that State. Eaton's furnace used much of the timber which he cut from his farm and made into charcoal for its use. Thus he came to have a love for iron-making and iron-working, which led him to enter into the business at an early day, both in this city and in Ohio, inducing his sons to engage in the same business. He was a vessel owner immediately after the war, and as soon as the canal was finished, entered into commerce.

My first personal knowledge of Judge Wilkeson was in the year 1825, when the Erie Canal was completed. He had been largely engaged in business with the late Ebenezer Johnson, afterwards the first Mayor of this city. Their place of business was

originally in the Kremlin Block, and Henry H. Sizer was their principal clerk.\* Johnson & Wilkeson did a general business, selling all sorts of goods, besides being engaged in a shipping and forwarding business.

Townsend & Coit, Pratt & Allen, Johnson & Wilkeson, Hart & Lay, T. & M. Weed, and John Scott were among the leading business men of that time. The office of Love & Tracy, (where I was a law student), was near the place of business of Johnson & Wilkeson, who soon, however, left the Kremlin and confined their business to the dock. Not long afterward the firm was dissolved and Dr. Johnson went into the banking business.

At the celebration of the completion of the Erie Canal, to Judge Wilkeson was assigned the chief place in the festivities of the occasion. He officiated in the commingling of the brine of the Atlantic with the virgin waters of Erie and her sister seas. He was foremost among the representatives of Buffalo in the first boat that went through to the Hudson, while General Porter and the delegation of Black Rock, then a rival village, went neck and neck in the same voyage to the Capital of the State. The reason of this prominence of Judge Wilkeson on this occasion may be learned from a brief history of the early incidents connected with the Buffalo harbor which appeared many years since in the *Commercial Advertiser* of this city, from the pen of Judge Wilkeson :

But a harbor we were resolved to have. Application was accordingly made to the Legislature for a survey of the creek, and an act was passed on the 10th of April, 1818, authorizing the survey and directing the Supervisors of the County of Niagara to pay \$3 a day to the surveyor, and to assess the amount upon the County.

The survey was made by the present Hon. William Peacock during the summer of that year, gratuitously. Then came the important question, where to get the money to build the harbor?

At that day no one thought of looking to Congress for appropriations, and there was no encouragement to apply to the Legislature of the State. The citizens could not raise the means, however willing they might have been. A public meeting was called and an agent (the Hon. Charles Townsend) was appointed to proceed to Albany and obtain a loan. Jonas Harrison, Ebenezer

\*Samuel A. Bigelow was also one of their clerks. See the paper by Albert Bigelow in this volume.—ED.

Walden, Heman B. Potter, J. G. Camp, Oliver Forward, Albert H. Tracy, Ebenezer Johnson, Ebenezer F. Norton and Charles Townsend were the applicants. Judge Townsend, after a protracted effort, succeeded, and an act was passed April 17, 1819, authorizing a loan to the above persons and their associates, of \$12,000 for twelve years, to be secured on bond and mortgage, and applied to the construction of a harbor, which the State had reserved a right to take when completed, and to cancel the securities.

The year 1819 was one of general financial embarrassment, and nowhere was the pressure or want of money more sensibly felt than in the lake country. It had no market and its produce was of little value. Some of the associates became embarrassed and others discouraged. The summer passed away, and finally all refused to execute the required securities except Judge Townsend and Judge Forward.

Thus matters stood in December, 1819. Unless the condition of the loan should be complied with the appropriation would be lost, and another might not easily be obtained, for the project of a harbor at Black Rock, and the termination of the canal at that place, was advocated by influential men, and the practicability of making a harbor at the mouth of Buffalo Creek, was seriously questioned.

At this crisis Judge Wilkeson, with Messrs. Townsend and Forward, agreed to make the necessary securities. This was perfected during the winter of 1820.

Speaking of the failure of the superintendent first appointed, who was removed—

no one could be found experienced in managing men who would undertake the superintendence. Mr. Townsend was an invalid and consequently unable to perform the duty. Mr. Forward was wanting in the practical experience that was necessary. Mr. Wilkeson had never seen a harbor, and was engaged in business that required his unremitting attention. But, rather than the effort should be abandoned, he finally consented to undertake the superintendence, and proceeded immediately to mark out a spot for the erection of a shanty on the beach between the creek and the lake, hired a few laborers, and gave the necessary orders for lumber, cooking utensils and provisions. The boarding house and sleeping room were completed that same day. Neither clerk nor other assistant, not even a carpenter to lay out the work, was employed for the first two months to aid him in the work, who, besides directing all the labor, making contracts, receiving materials, etc., labored in the water with the men, as much exposed as themselves, and conformed to the rules prescribed to them, of commencing work at daylight and continuing until dark, allowing half an hour for breakfast and an hour for dinner. Beside the labors of the day he was often detained until late at night waiting the arrival of boats, to measure their loads of stone and to see them delivered in the pier, as without this vigilance, some of the boatmen would unload their stone into the lake, which was easier than to deposit it in the pier.



After recording the perils of the work, its partial destruction at various times, and the constancy and courage with which their repeated disasters were at last overcome, he says :

Thus was completed the first work of the kind ever constructed on the Lakes. It had occupied two hundred and twenty-one working days in building—the laborers always rested on the Sabbath—and it extended into the lake about eighty rods, to twelve feet of water. It was begun, carried on and completed principally by three private individuals, some of whom mortgaged their whole real estate to raise the means for making an improvement in which they had but a common interest. And now, although but twenty years have elapsed, these sacrifices and efforts and even the fact that such a work ever existed, are unknown to most of the citizens of Buffalo, who have only seen the magnificent stone pier erected at a cost of over \$200,000. But should the names of those who projected and constructed the first pier be remembered, for a few years, yet the subordinate actors, by whose faithful labors the drudgery of this work was accomplished, must remain unknown even to those who enjoy the immediate fruits of their labor in wealth and luxury.

We have seen that Judge Wilkeson became a resident of this city about the close of the War of 1812, when it was but an inconsiderable frontier village, having been engaged in the partial defence of Buffalo, which was attempted at the time the town was invaded and destroyed by the British. To no man, living or dead, is Buffalo so much indebted for its rapid growth and present position as the Queen City of the great inland seas of the North. Indeed it may be questioned whether this city would have been anything more than a mere dependency upon a neighboring village, had the footsteps of Judge Wilkeson been directed to another quarter. Although a deep interest was felt by all the citizens here to secure the advantages of the natural position of Buffalo, though a law was obtained in 1818 authorizing a survey of a harbor and a loan in 1819 of \$12,000 to build it, yet without the courage and energy of Samuel Wilkeson with his peculiar qualifications, without his devoted, personal superintendence of the work which made Buffalo the terminus of the Erie Canal, the project to human view must have been abandoned.

No disparagement is intended of the efforts and sacrifices made by others. Among the dead are Charles Townsend and Oliver Forward, who signed with him that bond which pledged

their private fortunes to the repayment of the hazardous loan which laid the corner-stone of this growing city. There were many others who, to the extent of their means and influence, aided in this great work. But where was the man that could make a harbor with \$12,000? Where the man that would baffle the winds and shut up the waves in the necessary bounds and stay the devastating sweep of the fearful storms which annually career over the lakes, with this insignificant sum—a work which subsequently cost the General Government \$200,000? Who else had the physical courage to labor with his men shoulder deep in the water, from sunrise to sunset? Who here had the same control over others, or could induce a gang of laborers to endure the exhausting toils of an undertaking, the recorded perils of which are really startling. Without a leader possessing the combined physical and mental energy of Judge Wilkeson, without a man of untiring energy and courage to devote his whole powers of body and soul to the enterprise, it must have failed. If there be a citizen among that early band of enterprising men who laid the foundations of Buffalo, who was pre-eminent among others in his efforts, who deserves above all to be remembered, and to have his name indissolubly connected with the history of the city of his adoption by a record of his life, or by monumental honors, that one is Samuel Wilkeson. Who has forgotten the conflict he sustained against one of the strongest men in the State in behalf of Buffalo? Who has not heard of the war between rival towns, a war of conflicting interests, in which Judge Wilkeson was victor against principalities and powers?

But the detail of these things, or the particulars of the political life of Judge Wilkeson, will not be expected within the limits of this paper. It will be enough to say that between the years 1820 and 1830 he was appointed first judge of this county, was elected Member of the Assembly, and at the expiration of his term was sent from the Eighth District to the Senate of this State.

He was one of the first citizens chosen to fill the office of Mayor after the incorporation of this city, and performed his duties with his characteristic intrepidity and zeal, infusing his energy into the administration of its affairs, and making its police, for a time, the terror of evil doers.

It is not too much to say that he filled all these stations with distinguished ability and with continually increasing reputation to himself and advantage to his constituents.

Soon after the close of his political career, he became connected with the American Colonization Society, and acted for several years as agent and manager of the affairs of this benevolent institution without compensation.

His papers show the extensive knowledge he had acquired of the geography of Africa, and of the moral and physical condition of its population, and the profound interest he felt in the elevation of its barbarous and degraded tribes, an interest that was not diminished by his retirement from his official connection with the cause as years and infirmities increased, but continued to the end of his life.

He was eminently fearless in the expression of his opinions, and never shrunk from the exposure of any corruption in high or low places, whatever danger might be incurred, or whatever hostilities aroused.

He was distinguished for the influence he exerted over other minds. He was a natural leader of men and would have filled with credit and honor the most exalted stations of government and authority. He had an extraordinary faculty of impressing his opinions upon others and leading them to conclusions which seemed their own, but were really his. There was a vigor of thought and action about Judge Wilkeson that naturally subjected to his influence those who came within his sphere, like the strong current of a rapid river, drawing within its control, carrying with its flow and impelling with its motion the objects that would otherwise have remained inert and stationary. He communicated his energy to other men and gave impulse and movement to other minds by the vigor of his own. In former ages and under other circumstances he might have led armies to victory, or headed a revolution against tyranny, or founded a dynasty, for he had all the essential elements of the old hero race, who were made rulers and kings because they were "mighty men of valor," who were elevated by common consent, as the ancient Goths bore their elective monarchs aloft on their shields, an acknowledgment and sign of a superiority, not of accident, but of intellect and courage.

Judge Wilkeson was entirely free from that common error of little minds of attempting to maintain an apparent consistency of opinion at the expense either of veracity or integrity. Notwithstanding his inflexibility of purpose and iron will, he was ready to be corrected and open to conviction. Any view that he had taken, any course that he had adopted, which afterwards appeared erroneous, he readily and openly abandoned. An illustration of this trait may be found in the following fact :

A few months after he had made a public profession of religion, Judge Wilkeson was appointed upon a committee of conference to promote a certain measure of moral and religious character. He made some suggestion in regard to the matter, or advised some plan, which was thought by a much younger member of the committee to be imbued with the spirit of worldly rather than divine wisdom, which he frankly stated. The Judge immediately replied :

“Those who have practised upon the suggestions of expediency until they are old are likely to be misled by them, and you, my young friend, can not understand how much a man long trained in the maxims of the world, has to contend with” —a noble reply to a just reproof.

To that pretended consistency which implies either an incapability of error or of progress, he made no pretension, and those who do pretend to it seem to forget that ‘the assumption clothes them with the attributes of God in the one case by supposing them infallible, or makes them in the other fools, by denying them the power or the disposition to correct their errors, or increase their knowledge. It is not consistency, but cowardice, that leads a class of men to cleave to their ancient errors and adhere to their mistaken opinions.

The true man can no more be bound by them, than could Samson by the cords of the Philistines. He goes where truth leads, if he goes alone, unmoved by the snarling of that envious crew who invariably dog the heels of all who rise above their own inferior and contemptible standard. That Judge Wilkeson was not liable to be warped by the strong views he took of his own side of a question, or that he was incapable of prejudice is not intended by these remarks, but that he could bear reproof,

and when convinced of an error was ready to acknowledge his mistake and retrace his steps.

Judge Wilkeson possessed unusual conversational powers, and we venture to affirm that few men were ever in his company, even for a brief period, without receiving the impression that he was an extraordinary person, and retaining a lively recollection of his appearance and address.

No one has traveled with him, or spent half an hour at a public table in his society, who was not convinced that he was enjoying the conversation of a man of splendid intellect, of varied knowledge and acute observation. With what prompt and withering rebuke he has reproved improprieties and purse-proud insolence and brawling infidelity and profanity in public places, there are living witnesses, who will never forget the power of his eye, the sternness of his look and the severity of his sarcasm.

Let those of you who remember Judge Wilkeson think for a moment and consider whether you have known any individual among your acquaintances who generally resembles him. Can you recall any person who would remind you of his appearance, manner or address, or whose mental characteristics are sufficiently similar to sustain a comparison? He was a man *sui generis* in almost every respect, and although he may have had equals in capacity, yet he possessed those peculiarities of mind and manner which attract universal attention and prevent all idea of resemblance.

No man could be more affectionate and indulgent in his family than Judge Wilkeson. Whatever impression he may have made upon casual acquaintances by a certain apparent severity of manner, those who knew him best can testify that as a friend, as a husband, as a father, his conduct was characterized by a kindness and affection rarely equalled.

He was thrice married to women of superior talents and character.

Almost all the great moral enterprises of the day had his countenance and aid, and numerous instances might be given of his readiness in every good work, and of his liberal contributions for the various objects of benevolence.

As an elder in the Presbyterian Church he was excellent in counsel and prompt in his performance of the duties of his office, so far as his advancing age would permit, and notwithstanding his multiplied sorrows and increasing infirmities, laboring under a form of disease which subjected him to the most excruciating pain, and which would have utterly incapacitated most men from active exertion or warm interest in the external affairs of the church, he continued to manifest the deepest concern in its prosperity, by personal efforts and pecuniary contributions. A strong rod was broken and withered in our Presbyterian Zion when Samuel Wilkeson died.

Of the death of our departed friend and brother while on the way to visit a daughter residing in the State of Tennessee, a stranger (Dr. McCall, a resident of that State,) who was called to his death-bed, gave the following statement through the columns of the New York *Journal of Commerce* :

On arriving at Kingston, Roane Co., Tennessee, at 9 p. m., of the 7th inst.,\* I was requested to see a dying stranger, Judge Samuel Wilkeson, of Buffalo, New York. As an enterprising citizen, whose conduct had been marked with great benevolence, I had heard of him. He had a daughter with him, on their way to visit his married daughter at Tellico Plains, forty miles from this place. The latter arrived to attend his funeral at 6 o'clock this evening, the 9th. Bronchial erysipelas of two years' standing had caused gouty and rheumatic neuralgia in the lumbar and sciatic nerve with other constitutional derangement.

He was conscious of his approaching dissolution and met it with the most perfect calmness and submission. On asking for water he found that he could not swallow it, and turning over he said he would "drink of the springs of living waters." Intently examining his benumbed limbs with his hands and piercing black eyes, he said submissively and assentingly, "Well! Well!" Having failed of words to express himself, his brain was actively thinking for twelve or fourteen hours, when its powers suddenly sinking, he passed from life, like one quietly reposing in sleep, not moving one muscle, nor suffering any distress. Truly his seemed to be the death of the Christian, necessary for passing the screen that conceals future life from our view. He was an active promoter of the Colonization cause years ago, and long had been an exemplary member of the Presbyterian Church. His form and appearance strikingly resembled Gen. Jackson. He was 67 years of age.

This is the record of the attendant physician concerning the last hours of Samuel Wilkeson.

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\*July, 1848.—ED.

One thing very characteristic of the man was said by him on his death-bed. Reference being made to the hardship of his case, dying among strangers and far from home, "What matters it," replied he, "where one dies?"

The lofty spirit of the dying Christian rose above the sad circumstances of his case, and what to him was the point of his departure, whose eye was fixed upon the gates of the Eternal City, who was about to enter upon another and a better life?

Twenty-three years have elapsed since the death of Judge Wilkeson, but his works do follow him; and shall while this fair city holds her place at the foot of Lake Erie, and while her harbor is filled with the ships of those inland seas, which constitute the Mediterranean of the New World. If this imperfect memoir shall help to conserve the memory of this eminent man, preserved as it will be in the archives of the Historical Society of Buffalo, I shall have accomplished the design which I proposed in the preparation of this paper.

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## "THE HARBOR-MAKER OF BUFFALO."

REMINISCENCES OF JUDGE SAMUEL WILKESON, BY SAMUEL A. BIGELOW, HIS EARLY CLERK AND ASSOCIATE.

RECORDED BY THE REV. ALBERT BIGELOW.

The late Rev. Albert Bigelow, a former Secretary of the Buffalo Historical Society, left a MS. narrative which combines reminiscences of his father, Samuel A. Bigelow, and of Judge Samuel Wilkeson, for whom Mr. Bigelow, on arriving in Buffalo in August, 1815, became clerk. From this MS., courteously placed at the disposal of the editor of the present volume of Publications, by Mrs. Albert Bigelow, now of Harrisburg, Pa., the following extracts have been made, being deemed especially worthy of preservation in connection with the foregoing memoir of Judge Wilkeson by Dr. Lord.—EDITOR.

When Dr. Lord read his paper upon the late Judge Wilkeson—and others gave their recollections of him—my father, being unable to hear what was communicated, could not at that time add his own reminiscences or remarks.

I afterwards read to him the Secretary's report of the statements made and his additional facts and observations so interested me that I took pains to preserve them in writing, in order that if opportunity offered, they might be added to those which the Society had already received.

I have thought it, also, no more than a filial duty to connect my father's name with that of Judge Wilkeson somewhat more closely than was done in the mere allusion made on the occasion referred to, at least, so far as necessary, in order to show his fitness to furnish these additional memorabilia. I shall not, perhaps, overstep the bounds of propriety, even in the presence of some of the gentlemen thus familiarly referred to, if I say that so intimate were the relations of my father with Judge Wilkeson and his family, that one of the daughters, Mrs. Stagg, remarked more than once that "*Sam,*" as he was called among them, "*brought up Pa's boys.*" It is pleasant to know that they have done so good justice to their "bringing up." And just here it will not be unseemly, in the freedom of communication in this Society, to relate what Mr. Gibson T. Williams\* will perhaps remember to have stated, showing how much, with all Judge Wilkeson's well-known self-reliance and strength of opinion and will, he yet relied upon my father's judgment, first as clerk and afterwards as partner in business. Mr. Williams having some proposition to make to Judge Wilkeson, he replied at once. "I'll talk it over with Bigelow and give you an answer at such a time."

It is correctly written in the Secretary's report that my father was Mr. Wilkeson's first clerk. In August, 1815, he being then less than 18 years of age, was on his way westward from Geneseo seeking his fortune, and he had concluded to take Buffalo in his way, as he had heard that it was a well-to-do young village. Footing it hitherward via LeRoy village and Batavia, when yet some miles away, he came across Moses Baker, who was driving in some sheep for Wilkeson and Folsom's market. This was located, by the way, in front of the present site of the First Presbyterian Church.† The night of August 25, 1815, they "put up" with Mr., afterwards Deacon, Jabez Goodell, in his log tavern

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\*Died April 14, 1891.—Ed.

†Now occupied by the Erie County Savings Bank building.—Ed.



with a framed hall and office in front of it, about where the Goodell dwelling was afterwards built. Next morning, August 26th, they came into the village, and that day Mr. Baker introduced the stranger lad—who knew not another soul in the place or region—to Mr. Wilkeson. Being out of my father's hearing, let me say that I think it was quite in keeping with other things we know of Judge Wilkeson's judgment and understanding of men, and insight of character, that he immediately, that very day, took that lad into his employ as clerk in the store situated (I may just note) where now is the drug store next to the lower corner of the Kremlin Block, and then the only building on the Kremlin triangle. I do not think he ever regretted the confidence he then placed in him.

I do not intend to give a history of my father's association with Judge Wilkeson. But you can easily understand that he is naturally sensitive as to the rendering of due honor to the Judge in regard to his efforts towards opening our harbor and securing the western terminus of the Erie Canal for Buffalo. In connection with this he is not satisfied that any doubt should be thrown upon the agency of DeWitt Clinton in this matter.

In the Secretary's report of remarks supplementing Dr. Lord's paper, Mr. Lewis F. Allen is recorded as saying, in effect, that it was an accident, and not the strenuous efforts of Judge Wilkeson and Mr. Clinton that brought the Erie Canal to Buffalo. As I read this my father quickly remarked:

"I never heard such a thing as *that* said before. I should like to find out what that '*accident*' was."

Mr. Allen, I think it was, also remarked that what Mr. Clinton did do in the matter was not from public spirit or a wish to favor Buffalo, but as a bid for the Governor's chair. As to this my father replied, when I read it:

"Clinton was not Governor till 1824, yet four years before that, in 1820, he was actively engaged personally on the ground, in measures towards the settlement of the then great question in favor of Buffalo, while long before that, as well as after, Mr. Wilkeson planned and negotiated and *worked* faithfully, and did what no accident or series of accidents could ever have accomplished."

Let it be remembered that in 1818, by the efforts of Mr. Wilkeson, with help of others, the so-called "Experiment Pier" was sunk by way of testing the availability of Buffalo Creek for harbor purposes, and Mr. Wilkeson, Ebenezer Johnson, Oliver Forward, and Townsend & Coit, borrowed of the State of New York \$12,000 with which to build this pier. Isaac Smith had the contract for building it. This was discharged by the State when it assumed the contract for building the harbor.\*

Then in the spring of 1820, the enterprise of Mr. Wilkeson insured the success of the following undertaking. The very practical question came up, where shall the steamboat *Superior* be built? Brown of New York was to build the boat and was on the ground receiving overtures from Black Rock and Buffalo as candidates for the honor and profit of this enterprise. It is even related that Judge Wilkeson had reason to believe that after Brown had agreed to take Buffalo as his building place he showed signs of backing down and that Judge Wilkeson broke in upon a conference of Brown and Black Rockians—the story is that he actually broke in the door of the room where the conference was taking place—and held Brown firmly up to his previous engagement. At any rate it was unquestionably the fact that Brown hesitated about building at Buffalo because, on account of a bar that often formed at the creek's mouth, he doubted if he could get the boat out of the creek if she was built within it. But Judge Wilkeson, Ebenezer Johnson, Elijah Efner and others, gave their personal bonds to Brown to pay him \$50 per day† for every day the boat should be detained in the harbor by low water on the bar after she was ready to go out, if he would build her here. This settled the matter, and then the citizens—Judge Wilkeson being foremost among them—made the memorable subscription of nearly \$2,000 to furnish funds for clearing away the harbor bar in season for the departure of the *Superior*, and when the boat was ready the harbor was ready too.

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\*Incident confirming the date of the work: Samuel A. Bigelow was building the warehouse for Wilkeson and went over the creek for timber. Middaugh was then over there, charged by Joseph Ellicott with guarding the timber. The work of building the pier was then going on. They were drawing bushes, etc., to fill in the pier. Middaugh forbade Bigelow getting the timber. Bigelow said "Ellicott will be here within a week and it will be all right," and Middaugh said no more.—A. B.

†Mr. Inglehart says \$150. Cf. *ante*, p. 62.—Ed.

Of the labors of Judge Wilkeson—with head and hands—nay with his whole body and all his remarkable powers, my father has a very vivid recollection—and of how he would be found himself waist deep in the water directing and urging on the work.

As to the dredge: There was then no convenient steam dredge with great iron scoop to sail about and dig up and drain off and load in and carry away the alluvium from the bottom of the channel. But "Where there is a will there is a way" and a dredge that "did the business" was made as follows:

A log ten or twelve feet long was split through the middle and smoothed down, making an edge. This edge was covered with heavy sheet iron, doubled sharp over it and spiked. A tongue about fourteen feet long was inserted. This log-scoop was rigged at the stern of a scow. On the deck was a capstan with a hawser, made fast to a capstan on shore with a horse to turn it. The scow would be floated to the further side of the creek, and the dredge, weighted to make it heavy, dropped to the bottom. The scow would be floated back and made fast to a post, then the horse would turn the capstan, thus dragging the dredge across the creek, bringing it up as nearly as possible to the boat. In this manner the bottom of the creek was scraped crosswise.

In the summer of the same year (1820), four years before Mr. Clinton became Governor, a commission to locate the terminus of the Erie Canal was on the ground—and on the water too, busily investigating the data for decision. That commission consisted of DeWitt Clinton, — Thomas,\* chief engineer, Samuel Wilkeson, Ebenezer Johnson, Thomas F. Sherwood and Thomas C. Love. Among my father's most distinct recollec-

\*This was David Thomas (born 1776, died 1859), of Quaker family, a man of repute in his day as civil engineer, botanist and journalist, especially on agricultural and other economic subjects. His home was at Aurora, Cayuga Co., N. Y., when in 1805 he was appointed chief engineer of the Erie Canal west of Rochester. Subsequently he became principal engineer on the Welland Canal. Four years before the visit referred to in the text—in May, 1816—he and Jonathan Swan, a merchant of Aurora, visited Buffalo on their way to explore the "Wabash Lands," now included in the State of Indiana. Mr. Thomas found Buffalo to consist "of more than one hundred houses; many are frame, several are brick, and a considerable number are large and elegant." He observed the "black sills of former buildings," burned by the British in 1813. The brief but interesting record of that visit, with many notes of value on the country traversed, are found in his now scarce book, "Travels through the Western Country," etc., Auburn, 1819.—ED.

tions is that of the expedition of these commissioners in a yawl boat, making soundings in reference to the practicability of a pier from Bird Island to the head of Squaw Island. On this occasion Thomas F. Sherwood hove the lead and Mr. Bigelow, Mr. Wilkeson's clerk, as clerk of the Board of Commissioners, made the record of the soundings.

Among reminiscences of Judge Wilkeson as a store-keeper is the following: One day some soldiers were in the grocery wearing their long overcoats. One of these undertook to turn a penny by laying in supplies on his own account and slyly abstracted a codfish from the pile, and drew it under his capacious surtout. But alas, the keen eye of Mr. Wilkeson had noted the operation. The soldier stood about in a careless way for a while, but presently Mr. Wilkeson, having approached him by degrees, on a sudden drew open the fellow's overcoat, seized the codfish with both hands and dealt him a blow over the head with the unwarlike weapon which felled him to the floor, and taught him that, at least within range of such a keen eye, "*Honesty is the best policy.*"

At another time an Indian was in the store half drunk, and being refused more liquor by Mr. Wilkeson, became angry, and having in hand a musket with a bayonet, he, as the saying now is, "went for him" in "charge bayonet" style. But Mr. Wilkeson was too quick for him, and dodged the bayonet, which stuck tight in a board ceiling—so tight that it could not be drawn out. Mr. Wilkeson on the instant seized a sword he had at hand, and with the back of it dealt the Indian a blow over the forehead, cutting a gash and flooring him. He got up, took a bee line for the door, and disappeared. He was gone several days. When he came back he cautiously put his head into the door and asked for his musket; but Mr. Wilkeson bade him begone. How long his probation continued my father does not recollect—long enough, we may be assured, to give him a thoroughly wholesome fear of attacking such a store-keeper.

In connection with Judge Wilkeson's harbor labors, my father recalls one of his characteristically energetic expressions. One Jefferson was trying to split a log and had hard work to do it. Mr. Wilkeson coming along, Jefferson asked him,

"Who shall I get to help me split this log?" Mr. Wilkeson, too full of work and too self-reliant to give patient hearing to a question like that, as quick as the lightning flash itself shouted out, "Get thunder and lightning to help you," and on he went, leaving Jefferson to engage these elements or not, according to his ability.



# THE EARLY FIRM OF JUBA STORRS & COMPANY.

READ AT CLUB MEETINGS FEB. 16, 1874, AND IN 1877.\*

BY THE REV. ALBERT BIGELOW.

This paper is a condensation of several which the writer has prepared by request at various times, to-wit, "The Old Williams-ville Mills," "The Firm of Juba Storrs & Co.," and biographical notices of the individual members of the firm. These papers also included references to certain "partners," not mercantile, and yet of no small moment in their influence on the firm's affairs; and of various employees at different times and places acting for the company. Authentic items, too, not squarely in the line of simple statistical history, yet illustrating olden times, and enlivening the account, have here and there been introduced.

My plan, then, made the Firm of Juba Storrs & Co. not the *robe* itself, but the girdle that confines its folds; or, not the *sheaf*, but the strong band of twisted stalks binding the many into one. And while somewhat modified, as indicated, this plan still holds good in the following narrative as prepared for the press.

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\*AUTHOR'S NOTE.—The original plan of this paper resulted in its becoming two, read as above indicated. The plan was peculiarly comprehensive, and while capable of being modified in reading, sufficiently for club-meeting purposes, would be difficult to follow satisfactorily in publication. For this purpose, therefore, I have here condensed the two papers into one, and have been content to give much less in quantity of biographical matter than is needed for completeness—less indeed than was actually read upon the two occasions named.

The intent of my narrative, if any it shall have, is not that of a tale of

"Moving accidents by field and flood ;"

nor, yet, of vast and striking enterprise. It tells of ordinary life, and humble deeds ; of struggle, even of failure ;—yet, this I may say, of failure hardly in the main to be accounted such : defeats savoring, 'in fact, of victory.

One reflection let me venture here, however. I am moved to say, "Alas ! that so much history should have been buried in the graves of those who made it !" There is danger lest some day we wake and find ourselves more knowing as to Russia and Japan, or other regions nearer by, yet outside of our own, than of our strictly local history. A letter of good-will today received from Alexander J. Sheldon, Esq.,\* late librarian of the Grosvenor Library, mentions feelingly his own regret that opportunities, now forever gone, were lost by him for gaining knowledge from his parents, in relation to our early history, a regret which many already and which I fear many more will some day feel.

I cannot omit to say that I have been favored more than I can tell, in that I could draw upon the full, clear and accurate recollections of General Lucius Storrs and Mrs. Dr. Warner ; and I must confess myself surprised to find how these, which form by far the greatest part of my authorities, are corroborated upon every hand by all the tests that I have been able to apply.

And now, first turn your thought backward, a full century in *time*,—and in *place* carry you to a point whence the region we occupy was then thought of as the far-off *western wilderness*. Thence glancing at its still more distant sources, I shall trace hitherward that tributary stream which earliest entered the main channel we shall follow—noticing, then, others as they enter—and finally tracing each again, as it separates from the main channel, and flows as through a delta, onward to the all-engulfing Future.

I mention, then, as first to enter Buffalo, of those who afterwards formed the Firm of Juba Storrs & Co., the honored,

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\*Mr. Sheldon died March 23, 1876.—ED.



esteemed, lamented Captain Benjamin Caryl. He was born in Hubbardston, Worcester County, Mass., October 12, 1773. His father's name was Jonathan—a name, however, often in old records shortened to John, and used with it interchangeably. He was born March 1, 1730, but where is not ascertained. Mrs. Jonathan Caryl's name was Anna Clark. She was born September 1, 1734, but I have not learned where. One of her grandsons, Benjamin Clark Caryl, an old and well-known citizen of Buffalo, now deceased, derived his middle name from her. Farther back than this by specific name, I cannot find means of going, in the modern Caryl family record.

That the Caryls were at first settled in Worcester, Mass., is considered certain. It is but a few miles from Hubbardston, Benjamin's birth-place, and there is no association of the Caryl name with any other place than Worcester, at the date of Jonathan's birth. All collateral associations center here—as for instance that of the settlement of the Young family in this country, to which Mrs. Caryl belonged.

When Hubbardston became the family home I cannot tell. But it is certain that it had no town charter till 1767, six years before Benjamin Caryl's birth; and settlements *followed* the charters in the natural order of things. So that his must have been among the pioneer births in Hubbardston. And Mr. Caryl often spoke of his claim to the absolute pioneer distinction of having been the first child baptized in the church of his native town. Benjamin Caryl was next to the youngest of the children, and he was the survivor of them all.

In 1778, when Benjamin was five years old (two years after the Declaration of Independence), his father emigrated to Chester, Windsor County, Vermont.\* It is on the eastern slope of the Green Mountains, watered by branches of the Williams River, a western tributary of the Connecticut.

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\*AUTHOR'S NOTE.—"Emigrated" is the right word for such a movement, in that day, although it involved only passing from the northern part of one State to the southern part of an adjoining one. For Chester was then quite a new place, having been settled only fifteen years before, in 1763. But as late as 1795, seventeen years after the Caryls removal into Vermont, I learn from a very interesting original letter of that year, which lies before me, that emigration from Connecticut to Middlebury, Vt., meant a thirteen days' journey with ox teams, and manifold experiences, such as a very new country alone affords.

In Chester, Mr. Caryl's childhood was still, as the dates above given show, that of the son of a very early settler, if not of an actual pioneer. He certainly was a "Green Mountain boy" of the olden time. But of his childhood I have no direct facts to relate.

A hint, however, as to the position of the family—their relation to their neighbors and the circumstances of the Chester life, I obtain from Hall's "History of Eastern Vermont."

Those days were then full of excitement. It was in the stirring times of conflicting jurisdiction between the then young and high-blooded States of Vermont and New York;—such as existed also between New York and Massachusetts; from which days many stories, like the following, of antagonistic authority and resistance to legal process on one side or the other have in authentic narrative come down to us.

Dr. Reuben Jones, a member of the Vermont Legislature in 1781, was seized for debt in New Hampshire in 1785. He escaped to Vermont whither he was pursued by one Griswold, and was arrested at his home in Chester. "John" or Jonathan Caryl (Benjamin's father), then 55 years old, and Amos Fisher, disputed the officer's authority, attacked him and delivered Dr. Jones. Though indicted for resisting an officer, the rescuers were not convicted.

The Caryl family, I conclude from this incident, was so associated and situated as to develop a natural, sturdy independence in its members, and a habit of thinking and acting for themselves and according to their own conviction of right and duty.

So, too, they were an honest family. A Mr. Collender, whose early home was Chester, once said to Mrs. Dr. Warner: "Your father's family, the Caryls, was noted far and wide as a family of honest men." The character and reputation for independence and honesty were never sullied or injured by Benjamin Caryl, but were thoroughly sustained through all reverses.

While a lad he was apprenticed to mercantile business, probably at Worcester, Mass., as was then the custom, and there is nothing to show that he did not serve out his time. Just when his apprenticeship ended I do not know, but at his release he

returned to Chester and entered business on his own account; and as he became of age in 1794, this may be taken as a probable starting-point. He remained in Chester until 1804, doubtless engaged in business during the entire ten years. He had at least two partners during this time, but whether at different times or together, I cannot say. One partner was Mr. Chandler, of a wealthy Worcester family, of which our townsman R. H. Heywood, Esq., had very early knowledge, for, as a clerk he was connected with them and can tell how, to one of their number, the singular name of "Old Compound," once attached, and ever after clung. A sister of Mr. Caryl's partner, Chandler, was married to the Rev. Aaron Bancroft of Worcester, a biographer of Washington, and was the mother thus of Hon. George Bancroft, our National historian and diplomatist. Here we find another hint as to the standing and association of the Caryl name.

The other partner was Nathaniel Fullerton, of Chester, Vt., who died October 29, 1872, aged 97 years, then, and having for forty-five years been president of the State Bank of Bellows Falls, Vt., a few miles only distant from Chester. He was, at the time of his death, the oldest bank president in the United States.

He and a brother, Thomas Fullerton, had partnerships in early years at Chester, Putney, Barnard, Stockbridge and other places in Vermont, under different firm names. Among these were that of Nathaniel Fullerton, with Benjamin Caryl at Chester, and later with others of Mr. Caryl's brothers at other places, under the name of "Fullerton & Caryl."\*

Being successfully established in business, Mr. Caryl married, July 3, 1798, Miss Susannah Young, daughter of Dr. John and Elizabeth Smith Young, of Peterborough, Hillsborough Co., N.

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\*AUTHOR'S NOTE.—Henry N. Fullerton, of Chester, Vt., son of Nathaniel Fullerton, writes me thus, under date of February 9, 1874:

"I have heard my father say that the house in which he lived and died (and in which the son now lives), was purchased of Mr. Benjamin Caryl, and that he was for a short time in company with him in mercantile business. I have in the old mansion the clock which was purchased of Mr. Benjamin Caryl by my father, and on the same is inscribed, 'Warranted, by Mr. Jonathan Caryl, Chester, Vt.,' which I suppose is close on to a hundred years old; a reliable time-keeper, and valuable for antiquity and for having been in the possession of the old friend of my beloved father."

H. Mr. Caryl was either very discerning and tasteful or else exceedingly fortunate in his choice of a wife.

In personal appearance she was beautiful. The gentleman whom I have already mentioned as extolling the honesty of the Caryls, was equally enthusiastic in praise of the beauty of Mrs. Caryl. Said he: "When people wanted to speak of a very fine appearing woman, they used to say 'she's almost as handsome as Ben. Caryl's wife,' and this was sufficient praise."

Numbers here can still remember her dignified, graceful features and bearing as a matron in advanced years. Some, maybe, farther back in middle life. And a faithful portrait by Wilgus, on my parlor wall, bears testimony to her remarkably fine presence and appearance even in age.\*

As to wifely and motherly character Mr. Caryl's choice fell upon one who, through all the vicissitudes of their united life, was excellent and admirable; words which I use without reserve and in their fullest meaning.

In Chester was born to this couple Elizabeth (Eliza) Smith, March 28, 1800. (She was married to R. W. Haskins, Esq., of Buffalo, Nov. 5, 1828, and died June 22, 1836.) Also Susan Young, Feb. 27, 1802. (She was married April 13, 1823, to Lucius Storrs, Esq., of Buffalo, and died in March, 1878.)

In Chester Mr. Caryl was made captain of a company of grenadiers or light infantry, and thenceforward through life was known as Capt. Caryl. For several years the Chester business prospered, Mr. Caryl and partners buying goods in Boston and promptly meeting obligations; but, becoming endorser to large amounts for his younger brother, Amos, he was suddenly called to meet his

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\*AUTHOR'S NOTE.—Our former citizen, Foster Young, the father of Messrs. Wm. F. and the late Chas. E. Young, of our city, was a brother of Mrs. Caryl, and I well remember the symmetry of his features and handsomeness of his figure. Mr. Foster Young's wife was Valinda Fletcher, daughter of Samuel Fletcher and Mehitable Hazelton, born in Townsend, Windham Co., Vt., May 9, 1790; moved to Buffalo in the summer of 1807 with her sister, was married in Buffalo to Foster Young of Peterborough, N. H., Nov. 10, 1810. [She died Oct. 12, 1881.—Ed.]

Dr. John Young of Whitesboro, N. Y., was another brother of Mrs. Caryl; his children, most of them well-known in Buffalo, were Commodore John Young, U. S. N., Jeremiah Young, of Bangor, Maine, William C. Young, now of New York City, but long a resident among us, one of the oldest living graduates of the U. S. Military Academy at West Point, Mrs. Roosevelt of Pelham, and Mrs. John L. Curtenius, of Utica.

obligations as a surety, besides carrying his business debts. The demand was too great, he could not meet it, and he failed.

I cannot give particulars as to this failure, but he gave up all his property for his creditors' benefit. Yet this was not enough, as the law then was—the abominable law of imprisonment for debts—and he fell into “danger of the judgment”—*i.e.* of arrest and confinement in a debtor's cell. To escape this he prudently resolved to quit the country.

Of all available means he had only left after giving up his property, a certain article of title to land in Canada.

So he took this article of title and early in 1804 set out for Canada, to get clear of the United States, and find out whether his article was of any value. He accomplished both purposes. He arrived at Little York, now Toronto, and there found that his land title was good for nothing.

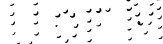
So there he was—separated from his family and kindred, a prison ready for him at home, and he in a strange land, an exile, with nothing but his hand and heart and brain to carry him forward.

But a Canadian gentleman at Little York soon engaged him to go to Townsend, Canada, sixteen miles from Brantford, on the road to Long Point, and superintend a store. Very soon we find him able to undertake business for himself. He carried on a store and a distillery and began to be successful. But he could not be content to be longer alone—and sent home to Chester for his wife and children and the household goods.

His elder brother Jonathan (grandfather of Mrs. Swartz of Angola), brought them on as far west as Whitesboro, near Utica, to the home of Mrs. Caryl's brother, Dr. John Young.

Here the little family were re-united, Mr. Caryl coming from Canada to receive his treasures into his own loving care, and guide and help them on their further journey to their new and foreign home.

That “Pennsylvania wagon!” Large, strong, and canvas-covered! What an institution it was! Slow but very sure predecessor of today's canal boat and long freight train for transportation, and of the lightning express and Pullman palaces for travelers. I imagine it now, with its high box framed and



paneled and painted blue, the ends rising higher than the middle; its wheels heavy and strong, and other running gear built to encounter all the roughness of stumpy, rocky or corduroy roads, and drawn by its five stout horses—two teams and a leader, the driver sitting on the near wheel horse and driving with a single rein. It is in such a wagon, with such outfittings, that the journey I have mentioned is to be performed. It is well packed with household goods from bottom board to cover, save space enough in front for the little family. And there are the beautiful young mother, her heart full of courage and of love; her little daughters, four and two years old, and the husband at thirty-two years of age, with a severe experience of reverse, as well as that of comforting success behind him, but with hope and affection spurring him onward into the future. •

How few are living now who know, except from hearsay, what such a pilgrimage as that family were making, was in 1804. Mr. Letchworth in his late paper\* graphically described the journey over this same route in this same year, 1804, of Captain Samuel Pratt and his large family in the comfortable old-fashioned coach; but I think it was surely harder still in the conveyance I have mentioned.

From Batavia the little company followed the "Ridge Road" toward Lewiston, halting at a small tavern at Cold Spring, near Lockport, where Mrs. Caryl had her first view of an Indian. He peered into the window of the room where she was; and no subsequent familiarity with the black eyes and dusky features of the red men ever effaced that forbidding countenance from her memory.

Another exciting incident, witnessed from the tavern windows, occurred at this place. Major Armstrong, from Fort Niagara, in pursuit of some British deserters, rode up on horse-back, and found the fugitives seated upon a bench in front of the tavern. He called out: "You must surrender, my fine fellows!"

"Not till you've got the contents of our muskets," was the answer as the men aimed their pieces.

\*"Sketch of the Life of Samuel F. Pratt, with some Account of the Early History of the Pratt Family," by William P. Letchworth; read before the Buffalo Historical Society, March 10, 1873. 8vo., ill., pp. 211. Buffalo: Warren, Johnson & Co., 1874.—ED.

Armstrong wheeled his horse just as the deserters fired, wounding both the animal and the officer. At this moment the pursuing British troops came up, captured the deserters, and carried Armstrong back to Fort Niagara.

A rough scene this for the young eastern mother with two helpless children to witness in the midst of this then great western wilderness.

Journeying on, to Lewiston, they there crossed the Niagara, to Queenston, Canada; and when they were across on British soil, the young merchant had remaining just twenty-five cents in money. And they were yet well nigh a hundred miles away from their destination. To crown all, there was a customs officer in readiness and waiting, from whom they expected a demand for duties on the household goods they were introducing to the King's dominion. In after years Mr. Caryl used to say that he was never discouraged in his life, not even (capping the climax) at this surely critical and discouraging moment. He put a bold face on the matter and walked up to the officer, Col. Dixon, entering into conversation with him, and asking for the amount of duties he would be required to pay. What an unspeakable relief it was when Col. Dixon, in a friendly way, replied at once, "There are no duties, sir; we are only too glad to get such settlers as you are to come among us."

This barrier thus passed, they started forward on the strength of that lone quarter dollar saved to their exchequer by this kindness of the British Lion. However, but a few miles further on, they met a gentleman from London, C. W., whom Mr. Caryl knew, and of whom he borrowed \$10. They went on their way rejoicing, and in due time, whatever that may have been, they entered Townsend village, where Mr. Caryl had made, as I have said, his business beginning.

But it had been one thing for the man to find sufficient shelter for himself, alone. It was another to obtain that and sustenance for his little family. However, they went at once into a log house, of aspect "all forlorn,"—and just then, for the first and *last* time through all their hardships, did a word savoring of complaint escape the heroic and beautiful woman. And this was all she said: "Oh, Mr. Caryl, how could you bring me

here!" And who can wonder save that other, aye, and bitterer words did not break forth from her lips. The furniture was brought in, and busily they wrought to put it in place and provide rest for themselves that first night, after their long and weary journey.

Next morning came a manifestation of goodwill, cheering enough to the new comers. An old Scotchman, taking his own shrewd notice of their situation, of his own accord said to Mr. Caryl, "There is no market here; my cellar is full, you can live out of that this winter, and when you get money you can pay me." This furnishes a note of time, showing that this removal occurred late in the year 1804; certainly after harvest time.

Thus aided and encouraged by tokens of kindness and welcome, and having now his family once more around him, Mr. Caryl went cheerily to work.

The management of a distillery was in those days and everywhere, a reputable as it was a money-making business; and into this Mr. Caryl entered in connection with merchandise; though at first he seems to have devoted himself to the manufactory, for all day long he would work in the distillery. At night he would prepare wood enough for the next day's requirements, Mrs. Caryl holding the candle to give light upon his work; then he would go back to the distillery, lay down a buffalo skin for a bed, place a stick of wood for a pillow, so that not oversleeping, he might wake easily, at necessary hours and attend to the still.

Thus began their Canada life. When now I add that in the midst of that winter, soon after their arrival, *i. e.*, February 14, 1805, Benjamin Clark, their third child and eldest son was born, you will realize more completely what an undertaking that transfer from Vermont had been for that young mother.

In business Mr. Caryl was here successful. Soon he removed to Woodhouse, Canada, not far from Townsend, and opened business there, entering into partnership with Dr. Eliakim Crosby,\* and purchasing a fine residence, the Durand place.

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\*AUTHOR'S NOTE.—He was the elder of two brothers, both physicians, whose father had settled in Canada. Dr. Orris Crosby, the youngest, alone continued his medical practice. The other went into mercantile and other business largely, actively and successfully. Dr. Crosby was a man of great energy and enterprise and the firm was very successful in business.



There Catharine Church,\* fourth child, third daughter, was born May 29, 1807.

But in June, 1807, began the difficulty with England about the Right of Search, and there was talk of war. Mr. Caryl at once desired to return to his own country, not relishing the idea of living in an enemy's land if hostilities commenced.

Gov. Brock offered him special protection if he would remain, and many other men of position tried to detain him; but not this or any inducement could satisfy him. Prudence and patriotism combined to make him deaf to all solicitations. So he sold out his Canada business and property to his partner, Dr. Crosby,† and just before the end of the same month, June, 1807, he crossed over to Buffalo to see what opening and opportunity there was here for entering into business.

And what was Buffalo then? How shortly before this date it was that Western New York was nothing but an Indian wilderness! The 17th Century wove a few gossamer threads of light through this darkness, when, as missionaries first, then as traders, white men, few and far between, penetrated these wilds. The 18th Century came—and was almost gone again before white men settled west of the lower valley of the Mohawk. Then from 1783 or '84 onward, as bits of blazing shingles blown by the tempest far in advance of the conflagration, kindle flame centers here and there, so at Whitestown and westward in Onondaga and Cayuga counties (now so named), and at a few other points, civilization began catching its way westward.

In 1800 there were only three taxable persons in Buffalo, their names being already recorded—Johnson, Middaugh and Law.

In 1804, according to the recollection of William Hull of Cleveland, writing at 85 years of age, there were but perhaps twenty houses, three or four of them framed—one of these occupied by Mr. Pratt, who kept a small store.

\*AUTHOR'S NOTE.—Church for her aunt, Mrs. Dr. John Young of Whitesboro. She became Mrs. Royal Colton Nov. 5, 1823, and Mrs. Dr. W. H. Warner, June 21, 1841.

†AUTHOR'S NOTE.—The wisdom of his selling the Canada property became manifest afterwards when it was confiscated by the British Government, the Crosbys being remarkably outspoken Americans.

When Mr. Caryl arrived at Buffalo Creek he found a settlement which Mr. David Mather, in 1806, says consisted of sixteen dwellings—mostly framed—eight along on Main Street, three on the Terrace, three on Seneca Street and two on Cayuga Street, (now Pearl); two stores, one the contractor's, kept by Vincent Grant, the other kept by Capt. Samuel Pratt "adjoining Crow's Tavern," in the rear of the present Mansion House site on Exchange Street; David Reese's Indian blacksmith shop on Seneca Street, corner Washington, Mr. Louis Le Couteux's drug store on Crow Street (Exchange Street), and Judge Barker's tavern west of Main Street, where the Terrace Market afterwards stood.

I cannot ascertain, however, what, *at first*, he accomplished, whether he made a beginning alone at some point, as for instance, the frame building already mentioned on Crow Street, or was simply waiting and looking around—not a likely thing for Capt. Caryl to do, by the way. However, even if he was thus waiting, it was not for long, for a little more than a month after his arrival, that is, early in August, 1807, came into the village one who was very soon to help him solve the problem of business occupation in a very satisfactory manner. I refer to Samuel Pratt, Jr.

Here then, in August, 1807, are these two: Benjamin Caryl, nearly 34 years of age, an educated merchant of years' standing—experienced both in prosperity and reverses, ready and seeking to embark his capital and strength and unblemished character in business in this young community; and Samuel Pratt, Jr., 20 years of age, or nearly 21, seeking also for a business opening with unquestionably something handsome in way of capital to embark in trade. What more natural than that they should quickly come together; and that they did so appears to be the testimony on every hand. Mr. Pratt, it is true, was for a very short time associated in his father's store, but soon decided to go into the same sort of business on his own account, and it seems every way probable that though not yet quite of age, he entered at last before December, 1807, with Mr. Caryl into the firm of Benjamin Caryl & Co.,—and I think I may say doubtless in the same long, low building at first occupied by Samuel

Pratt the elder and afterwards perhaps by Mr. Caryl, as a first attempt at business alone.

So soon as the enterprise was fairly under way, Mr. Caryl brought his family over from Canada. Having no suitable home ready for them, he accepted the generous offer of half of Dr. Cyrenius Chapin's house, which in 1813, stood on the northwest corner of Main and Swan Streets. And though it was a small one, and Mrs. Chapin had four children and Mrs. Caryl four, this close association begot a life-long friendship between the two families. Not to encroach upon this free hospitality the Caryls at once searched for a dwelling, and finding nothing better than a log cabin on the site of the old police building on the Terrace (pronounced uninhabitable by the neighbors), Mrs. Caryl astonished everybody by having logs and chimney white-washed and moving into the cabin.

I have a picture in my mind's eye of that beautiful New Hampshire lady with her four children and her energetic husband, as they gather in the evenings of that winter around the great wood fire, before the rude but wide hearth, and talk of the past, the present and the future. Ah, that which to us is *history*, to them was only the utterly unknown future, yet they bravely looked forward, while sturdily meeting the day's demands. And so the winter passed away and the spring and part of the summer, the business of B. Caryl & Co. prospering, and the households of the two young partners growing, till in July, 1808, the man arrived in Buffalo who was to be, like the Mississippi, where it joins the Missouri—in the particular at least, of giving its own name to the river, in place of that of the longest and largest stream—so the name of this new-comer was to enter in and swallow up the existing firm name of B. Caryl & Co. I refer to Juba Storrs, Esq.

Born in 1792, the third of the eleven children of Dan and Ruth Conant Storrs, he was "schooled" in his native town, Mansfield, Windham County, Conn., fitted for college at the academy in Middlebury, Vt., and was one of the earliest graduates of Middlebury College, of which his uncle, Seth Storrs, was one of the founders. In fact there seems a probability, from

certain correspondence of that day now in my hands, that the academy was indeed the chrysalis of the college itself.\*

Having evidently continued his academic studies, postponing the study of law, and been graduated, he pursued legal studies at the celebrated law school in Litchfield, Conn., under Judge Reeve; and was admitted to practice as an attorney-at-law. He thereupon set out westward in search of a location in which to practice his profession.

Having finally arrived at "Buffalo Creek," he wrote to his father, in Mansfield, a letter, dated Buffalo Creek, July 15, 1808—from which I quote some paragraphs:

*My Dear Parent:*—You will perceive by the date of this, that I am farther from home than I contemplated when I left Mansfield. It is a good day's ride from Ontario, where I thought of making a stand; but the information I received at Geneva and Canandaigua induced me to pursue my route to this place. You will find it on the map by the name of New Amsterdam. It is a considerable village, at the mouth of Buffalo Creek, where it empties into Lake Erie, and is a port of entry for Lake Ontario, the St. Lawrence, and all the western lakes, and will eventually be the Utica, and more than the Utica, of this western country. Buffalo is in the County of Niagara,† on an extensive and elevated plain; and is very healthy; subject to no fevers or uncommon diseases, whatever. \* \* \* There are four attorneys in the county, so that I think my chance for business is better than it would be in Ontario County, yet I shall, I think, get admitted in that county also, and in Genesee, which is between this and that.

According to Turner's history, Niagara County was somewhat richer in attorneys at its organization, and quite probably at the time this letter was written, than Mr. Storrs supposed, the

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\*AUTHOR'S NOTE.—I have a letter before me from Seth Storrs to Juba's father, dated January 7, 1800, which refers to Juba in a noticeable way, in reference to his early stages of preparation—perhaps before it was decided that he should enter college. He says: "The academy flourishes, for the time it has been open. Juba makes progress in the Latin grammar. I found he had a wish to undertake the study, and thought best to gratify him. He wanted something to engage his attention, and to induce the habit of close application. There is a good deal in learning how to apply the mind to study, in the most advantageous manner; much more than in the number of books we read, or in the number of hours spent in reading. An attorney's office is not the best place, nor are a lawyer's books the best study, for this purpose. The mind requires cultivation and a foundation laid for the useful reading of law as much as a field wants tilling, for the production of wheat. From this study of Latin, Juba will not improve in writing or in composition so much as he otherwise might."

†Niagara County was set off from Genesee, March 11, 1808, and included what is now Niagara and Erie Counties. Erie County was erected April 2, 1821.—ED.

names of eight being definitely given. In this respect, how true indeed it is, that "*tempora mutantur!*"

Mr. Storrs was admitted to the bar in Niagara Co., and entered on the practice of his profession; even forming a partnership for this purpose. For curiosity's sake, I quote from a letter lying before me, written to Mr. Dan Storrs of Mansfield, dated Batavia, October 22, 1808, by Mr. Trumbull Cary. He says:

I saw your son not long since at Buffalo, about forty miles west of this place. He was well. I also heard from him last week. He was still in health.

It is hardly necessary now to state that Buffalo is *about* so far from Batavia, in order to locate it for inquiring friends at the East.

In Turner's "Holland Purchase" it is stated that Mr. Lecouteulx was the first clerk of Niagara County. This was doubtless true; but it is again stated that he was county clerk *till* 1812. In a pencil note to this statement, Mr. Lucius Storrs has written: "This is wrong. Juba Storrs was clerk of the county in 1809-10." And this Mr. Lucius Storrs has invariably maintained. Moreover, he gives to me this additional fact concerning his entering the office: "He was appointed by what was known as the Council of Appointment at Albany; but being a Federalist in politics, he could not find an officer here who would qualify him. So he mounted his horse, and went directly to Judge Porter at Niagara Falls, who, before any counteracting word could come from Buffalo, gave Mr. Storrs the oath of office and established him in rightful tenure of the same. As the records of Niagara County were burned in 1813 at the burning of Buffalo, this matter can only be established from the memory of such as had opportunity of knowing the facts; and it is gratifying to be able to do this in the present instance from such excellent authority as General Lucius Storrs."

But, notwithstanding his preparation for, and actual entrance upon, the practice of law, Mr. Storrs found it distasteful to him. Its severe routine, perhaps, or may be the too frequent success of legal quirks, quibbles and chicanery, repelled him. And, moreover, the cares and honors of public office failed to satisfy his tastes and control his purposes; so he decided to embark in

mercantile life—with means furnished him for that purpose by his father. Mr. Storrs had already invested in real estate, having purchased of the Holland Land Company certain “outer lots,” being two five-acre pieces, with a log house on each,\* between Main and Delaware Streets, as *now* laid out; which in later years have been known, at least the Main Street front of part of one of them, as the Walden property. In 1809 or 1810, the existing firm of Benjamin Caryl & Co., viz., Benjamin Caryl and Samuel Pratt, Jr., uniting with Mr. Juba Storrs, became the firm of Juba Storrs & Co. Mr. Caryl had set out in business with \$7,000, and Mr. Pratt had certainly brought “something handsome,” but Mr. Storrs was able to bring from the home treasury and put into the business so much more than either, that though younger by nine years than Mr. Caryl, and no merchant in disposition or education, his name stood forth as the characteristic one of the new firm. The Mississippi entered the Missouri, and gave its name to the united current.

Juba Storrs was far better fitted for a literary than a legal or mercantile life. He had marked abilities and tastes which, if he could, for instance, have early taken an editorial chair, would have given him, I think, a distinguished position. But he seems to have lacked, with all his spirit of enterprise, and the quickness and observing tendency of his mind, certain qualities of prudence and calculation, so essential in money matters, and to the success of a merchant. He was honest and upright in a peculiar degree. But wanting the balancing presence of the qualifications I have named, he needed at any rate to be constantly under the personal influence of those who possessed them. So long as he was so, his real abilities could be turned to

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\*AUTHOR'S NOTE.—One of these houses was bought of him by Captain Caryl late in 1808 or early in 1809, and into it the family moved from the one on the Terrace already mentioned; removing the same year into the red frame house on the northeast corner of Washington and Exchange Streets, where the Commercial Buildings now stand, then the property of the widow of Jack Johnston, a daughter of Judge Barker. Upon this site, Jacob A. Barker and his brother afterward built the brick house lately torn down to make place for the Commercial Buildings. Here was born the fifth child and fourth son of Benjamin Caryl, William Young, September 3, 1809, who died two years afterward.

NOTE.—The Commercial Buildings, afterwards named the Washington Block, now the Matthews Building.—ED.

good account. But when separate in place and left to act alone, on his own unaided responsibility, results less favorable were liable to follow.

However, Mr. Storrs did go into business, in the partnership that was formed, as I have recorded. And the business prospered—still being largely that in which Samuel Pratt, Sr., had led the way, and prepared for which Samuel Pratt, Jr., had come on from Vermont: the buying and sending forward of furs, had in exchange for goods, from the Indians. But gradually this grew to be of different character, as the white population increased and the settlement enlarged, taking on the character more and more of a trading place for the civilized inhabitants of a thriving village and vicinity.

Mr. Pratt remained only a short time in the new firm. In March, 1810, he received the office of sheriff of Niagara County, and thereupon or soon thereafter, retired from the firm of Juba Storrs & Co. that he might more satisfactorily discharge the duties of his office.\*

A letter of Juba Storrs, under date of July 21, 1810, gives interesting information as to the doings of the firm of Juba Storrs & Co., now consisting of himself and Captain Caryl. They are engaged in purchasing real estate with buildings, and even erecting a suitable building for their increasing business. Says Mr. Storrs: "My partner nor myself have been able to obtain from Ellicott a well-situated village lot." Ellicott's extreme reluctance and caution as to selling lots are well-known to readers of Buffalo history. "Caryl contracted for a lot,"† ("contracted" being a technical term in that day for a species of preliminary purchase), "with a house sufficient for a store, for

\*AUTHOR'S NOTE.—The understanding of Mr. Lucius Storrs has always been that Mr. Pratt was in the firm till 1811, not long before he entered it, but the foregoing is the account as gathered by Mr. Letchworth; and Mr. Lucius Storrs, accurate as he usually is, can afford to be mistaken in a matter merely of *hearsay*—such as this; and this change is shown to have taken place before July 21, 1810—and probably some time before, by a letter of Juba Storrs to his father, of that date, in which he says: "My partner" (not partners) "nor myself," and immediately mentions Mr. Caryl as the one concerned with him in partnership transactions. Mr. Pratt was in company with his brother-in-law, Elijah Leech, and was doing a successful business in Buffalo at the time of the burning of the village in 1813.

†On the site of the old Pearl Street rink, afterwards Cutler's furniture warerooms, now a vacant tract used as a short-cut from Pearl Street to the City Hall.—ED.

\$500. These are the best we could get. For this I suppose we could get \$600, if we did not think the rise would be something handsome within a short time." I presume that it might *not be* difficult to realize somewhat more than \$600 for that lot today!\* "But," adds Mr. Storrs, "it is not as eligible a stand as that we now occupy"—the one before mentioned, on Crow Street—"and have contracted for at \$400—and on which we are now building." This was the whole of lot No. 2. "Both these lots," adds Mr. Storrs, "are said to be well bought, and the payments are made [payable] in such a way that I think we shall be able to get along with them, and keep both lots till the rise may induce us to dispose of one or both."

Of still a third lot Mr. Storrs thus speaks: "The lot which we have got today, is a very eligible situation for business, and is one that we have before tried to get, but without success; and is said to be well bought. Either lot, with the house, one on each, will give us fourteen per cent. on a rent. This lot and house I think I shall keep in my own name. Could we have got it a month ago, we should not have attempted to build at present, but we have now progressed so far that we must go on."

This lot was situated on Main Street, west side, the next but one, as the lots were then divided, just south of what in later days was opened as Court Street, being where the Eagle Tavern afterwards stood. In 1813, the two last-named lots, as well as the first one, are all found standing in the individual name of Juba Storrs.

Not far from July 1, 1810, the firm broke ground on their lot, corner of Onondaga and Crow Streets, for a new store. It was substantially built of brick, two stories in height, the front on Crow, the side on Onondaga Street. It was rapidly forwarded so as to be occupied in the lower story, but was not entirely finished till 1811; and when Lucius Storrs arrived, that year in August, the scaffoldings were up and Dan Bristol and Geo. Keith were busily at work in finishing the building.

This was not, as has been sometimes stated, the *first brick*

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\*AUTHOR'S NOTE.—From the Johnson house before mentioned Mr. Caryl afterward moved his family into the "house sufficient for a store," mentioned above, and there Alexander Hamilton Caryl, the sixth child and third son, was born.



building erected here. But it was without question the *second* one, and by all odds the largest. The *first* one, the date of the erection of which I do not know, was a small building, just south of what is now Court Street, still standing in 1813. It was owned by a Mr. Atwater of Canandaigua, and when Townsend & Coit came to Buffalo, in 1811, they at first occupied it for their business, before they secured better accommodations on the southwest corner of Main and Swan Streets.

After the new store was built, the firm still occupied their adjoining framed one as a place for storage; and even when their buildings were consumed at the burning of Buffalo, there were in the old one a quantity of United States muskets in store, which were destroyed by the flames, and so did not fall into the enemy's hands.

But the enterprising company having thus established and enlarged their business here, together and individually, having purchased real estate at several eligible points in the village, and erected their commodious brick store, were not content with such achievements. They began to extend their bounds; and other business centers—first in Canada, afterwards other points—became the scene of their operations.

In Canada were established two branch stores. Of these the earliest established was at Townsend, near Long Point, where Mr. Caryl had made his business beginning in 1804. This was established before 1811, but how early I cannot ascertain. The other was at Brantford on Grand River, the store being within a stone's throw of the house of Brant, the Indian Chief. This one was commenced in January, 1811.

The Canada business was in the immediate charge of Mr. Ezekiel Foster\*—who was the foreign partner of the firm in His Majesty's dominions. I do not know when he entered into this relation, but when the Brantford store was stocked he was already in care of the Townsend store.

In regard to the Brantford store, in its beginning, and the progress of both the Canada stores, I have knowledge from Zenas

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\*AUTHOR'S NOTE.—I should be glad to be able to say more than I can from present knowledge about Mr. Foster. He was a nephew of Mrs. Dr. Chapin, a cousin therefore, of Mrs. Thaddeus Weed of our city, but more than this, except simply as to his connection with the firm business, I cannot ascertain.

Ward Barker, Esq.\* (dated April 15, 1873, and January 10, 1874), who was clerk for the firm at both places. Mr. Barker says:

In January, 1811, I went with Mr. B. Caryl of the firm of Juba Storrs & Co., to Brantford, in Canada, taking a small lot of goods for the purpose of trade. At the end of five months, Mr. Foster, interested with the firm in trade at another point in Canada, came to Brantford and took charge of the business there, and entered largely into the manufacture of whiskey. I then returned to Buffalo.† Some time in July of that year I again left Buffalo with a boat-load of goods for Townsend, where I remained until June following.‡ Of his leaving Townsend I shall speak presently. He boarded at Townsend, having withal rather hard and rough fare, with one Philip Sovereign—one of two brothers, being a family of New Jersey refugees who in the Revolution had been identified with the disloyalty that manifested itself in that little State and had left their country for their country's good. Of the fare Mr. Storrs has a distinct remembrance—being when afterwards he had business occasion to visit Mr. Barker, in the way of choosing bread and milk as the simplest article of food and not liable to be injured in cooking or amalgamated with undesirable foreign substances.

Matters were situated then as I have described, in the early part of the year 1811, and went on till the middle of the year, the firm business progressing well at the three points—Buffalo, Townsend and Brantford—when, on the 28th of August, 1811, another partner comes to view in the person of Mr. Lucius Storrs.§

He was born June 23, 1789, in Mansfield, Conn., being the sixth child and fourth son of Dan Storrs, already named. His life, till he was 15 years of age, was spent in his native place. It needs not history to make it sure to those who have known him

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\*AUTHOR'S NOTE.—Eldest son of Judge Zenas Barker whose tavern on the bank where is now the Terrace, and just where that corners with Main Street, was at a very early day a hospitable place of entertainment for man and beast. The affable and hospitable lady of our respected president, O. G. Steele, Esq., is a granddaughter of Judge Barker, her mother having been his daughter, Capt. Hull of the army of 1812. Jacob A. Barker, long a respected citizen of Buffalo, was a son of Judge Barker, and other daughters were Mrs. Major John G. Camp, Mrs. Johnston, wife of the son of Capt. William Johnston, already spoken of at length, and Mrs. Lyon. Zenas Ward Barker, always known simply as Ward B., who I said is Judge Barker's eldest son, now lives in Sandusky, O., and to his letters in ready response to mine of enquiry, I am greatly indebted for the means of filling some important gaps and corroborating information from other sources in a very satisfactory manner for the purposes of this paper.

†May, 1811. †1812.

‡AUTHOR'S NOTE.—General Storrs was alive and present at both meetings at which the two parts of this paper were read.

in later life—even to the present time, when his more than four-score years sit so lightly upon him—that harmless fun and playful uninjurious mischief were not lacking as elements in his childish and youthful character and life. From a child he attended the district school near home; and it can hardly be but that one whose writing, reading, spelling and conversation as a man were so accurate and intelligent as his, made good use of his opportunities, in those early days, as he did not, like his elder brothers Zalmon, who graduated at Yale, and Juba, who graduated at Middlebury College, enjoy the benefit of a so-called academic education.

In one respect he from the earliest years manifested marked ability and exercised useful and entertaining gifts. He had a remarkably sweet and sympathetic voice of exceptional compass, and was in every way quite musically inclined, so that when very young he had made good proficiency in singing, and playing on the —'twas not then softened into violin—but on the *fiddle*; and these gifts he exercised in very early years in the village choir—singing, yes and (oh ye shades of Mansfield's lang syne Christians, rise and tell us if we *are* mistaken), on occasion *fiddling* too, in church, upon the Sabbath. In 1804, after he was 15 years old, he was sent to Litchfield, Conn., to school. Here he was in the family of his brother-in-law, Osias Seymour. Mr. Storrs once told me, with a hearty laugh at himself, across the seventy years that intervened between boy and patriarch, how he felt when riding home on a time, with a side-saddle, a horse on which his sister had just come to Litchfield, he passed through Hartford and ran the gauntlet of the sharp eyes of the boys of that town, all too ready to find material for ridicule for riding thus so nearly after woman fashion.

The winter of 1805-6 found him again at Litchfield at school, and hearing with ineffaceable effect the powerful sermons of Lyman Beecher, then pastor in that village. In 1806 he was at home again, and a new store having been erected by his father, helping to move in the goods. Next winter, 1806-7, was spent again at school in Litchfield. These several mentions of Litchfield call up the fact that while Mr. Storrs was there at school, his nephew, Origen Storrs Seymour, was born—who served

with peculiar honor on the Supreme bench of the State of Connecticut. He always regarded his uncle Lucius with peculiar affection.

The winter of 1807-8 he spent at school at Lebanon, Conn. In the winter of 1808-9 he was in Colchester Academy. In 1809-10 he taught school—but when I tell you where, you may well think it strange, for it was at Bedlam. I find, however, that it was not among lunatics that his gifts were exercised, but upon sharp, bright, active Yankee boys. The next winter, 1810-11, he tried his pedagogic gifts upon the lads of Mansfield.

That winter, however, the sphere of his activities began decidedly to enlarge. He narrowly escaped going to Lisbon, thus: His older brother, Zalmon, and another man packed provisions with the view of sending them to that city and desired Lucius to go with them as supercargo; but his father would not consent, and the whole project was therefore abandoned. The goods were taken to Newport instead, Zalmon himself accompanying them.

But Lucius was not content to give up the idea of seeing more of the world than his circuit of the Connecticut towns had opened to him, and so, having saved up a little money from his school-teaching earnings, he with two other young men sailed with his brother Zalmon on this trip. Reaching Newport, the two young men and himself went around by sloop to Cape Cod. There one of the companions of Lucius left the company and went on to Maine, then a province. The others thinking they had seen enough of the wide, wide world for present purposes, decided to return home. Not choosing to return by water, their experience upon which had been quite sufficient, they took the only other alternative. They packed their clothing into one trunk, lashed it to a pole, and carrying the load between them, as we see in the pictures the spies returning from Canaan with the immense bunch of grapes of Eshcol, they started on foot for home, which they reached in due time. There Lucius found his sister Selina and her husband making a visit, and took a seat in their carriage on their return for Litchfield. Thence he took a circuit of New Haven and home again. Then on this return he found his brother Juba, the merchant from Buffalo, who offered

him the position in the firm of Juba Storrs & Co., as partner, which was vacant by reason of the retirement of Samuel Pratt, Jr. He accepted; his father having, however, already in February of that year, and later, been putting funds into the business on his account till he was represented there by \$2,000 of capital.

On the 9th of August, 1811, he and his brother left Mansfield for Buffalo. They came by packet from Norwich to New York. On getting into the Sound at New London they met a head wind and ran back and lay by at New London dock till the wind was favorable—part of a day, as it resulted—then set out for New York. Reaching the Hudson they were thirty-one hours on the trip to Albany from New York, on one of the first steamboats that plied between the two cities. They stopped in Albany and bought goods, and then by five days' "staging" made their journey to Buffalo. Here they arrived August 28, 1811, having been nineteen days in all on the way.

Having thus assumed the final form by the addition of Mr. Lucius Storrs as a partner, the firm of Juba Storrs & Co., growing and flourishing, resolved to enlarge their borders, and at first proposed to hire, but finally bought, the fine mill privilege and mills on Eleven-Mile Creek.

As far back as 1805, as Mrs. Mather relates, she and her husband, David Mather, moved from Batavia to Eleven-Mile Creek. Already there were an old saw-mill and grist-mill on a fine water power; and Jonas Williams, a brother-in-law of Andrew Ellicott, then a young man, had taken up 300 acres of land from the Holland Land Co. and purchased the old mills and water power. When Mr. Mather came, he was rebuilding the mills and commencing to farm his land. He afterwards gave a man a water privilege for a cloth establishment. For two years, Mrs. Mather writes, she was the only woman in the place, and kept house for Mr. Williams.

All this property, with the improvements, except a homestead which Mr. Williams reserved, Juba Storrs & Co. purchased for \$15,000. They at once built another mill and put up a blacksmith shop, distillery, ashery and store, increasing the value of the whole to \$25,000, and called the name of the place, thus

enlarged, after the name of its original founder—Williamsville.

In June, 1812, Mr. Caryl, selling his house (back of the First Church site) to Gen. Potter, removed to Williamsville with his family to take charge of the business there.

Meanwhile Lucius Storrs was backward and forward between this side and Canada, and between the two stores in Canada, to attend to things generally, being the youngest, and judging from his present activity, probably the spryest of the partners.

In Canada, it will be remembered, Ezekiel Foster was the partner in charge, with Carlton Fox as clerk at Brantford, and Z. W. Barker at Townsend. A change becoming desirable in the disposal of the forces of the firm, since the Williamsville enterprise had been undertaken, Lucius Storrs went to Brantford in the spring of 1812, on horseback, and Fox rode the horse to Buffalo, and took a position as clerk in the store there. The arrangement was that Jacob A. Barker—a younger brother of Z. W., then a clerk in the Buffalo store—should come to Brantford and take Fox's place. But he was to cross over to Long Point in a schooner, and so, by way of Townsend, come to Brantford.

Just at this time, however, early in June, 1812, Z. W. Barker wished to visit his home, consummate an arrangement for partnership, and return to Townsend. Jacob A. accordingly delayed his arrival at Brantford, by taking Z. W.'s place at Townsend during his absence.

But on the 19th of June, before Z. W. Barker was out of the country, war was declared—and he did not return to Canada, when once out of the country, either as partner or in any other capacity.

Meanwhile Lucius Storrs was at Brantford, anxiously awaiting J. A. Barker's arrival. Soon, however, feeling the political atmosphere becoming "too hot to be comfortable," he determined to wait no longer for the tardy Jacob. He told Foster to harness up his horses and start him on his homeward way. This was done. Foster drove him to the head of Lake Ontario, when he was to leave him, and Lucius Storrs was to get on as best he could. After outwalking a band of traveling Seneca Indians, on their way home from a council with their Grand River allies, he came upon a man holding a horse.

"Don't you want a ride?" he asked.

"Yes," was Mr. Storrs's reply.

"Well, then, ride my horse to the Falls and tie him there and I'll get him."

Taking his chances on its being stolen horseflesh, he rode the animal to the Falls. Walking thence to Chippewa, he borrowed the tavern-keeper's horse, which carried him to within a mile of Black Rock ferry, where he met a man on foot bound for Chippewa, by whom he sent back the horse to the landlord. He then crossed the ferry, glad enough to get out of an enemy's country and into his native land. Indeed, the ferry was already in the hands of our troops and was run by them.

The Townsend store was now removed to Brantford, and Mr. Foster took charge of the whole business, and Jacob A. Barker came there as clerk. But he and the distiller of the company soon chose to be Americans in the now imminent conflict, and taking counsel of none but themselves, and native prudence, made their way down Grand River in a canoe, and then across Lake Erie, forty miles or so, to a point somewhere near the entering in of Eighteen-Mile Creek, and then to the home of the distiller, J. A. Barker going on to Buffalo and taking his former place in the Buffalo store. Thus Mr. Foster was left in Canada, the sole representative of the firm of Juba Storrs & Co., when the War of 1812 began. He remained in Canada through the war—with the result which I shall hereafter relate.

War is a curse. Yet "'Tis an ill wind that blows nobody any good." So it was with the War of 1812 that good came out of it to Juba Storrs & Co.

The declaration of war at once brought business to the young firm, especially at Williamsville. They made a contract with the Government for all the mill products they could furnish, for the army, and had work enough to do. There were no other mills nearer than Niagara Falls, except, as Lucius Storrs with somewhat of poetic license was wont to say, one that wasn't bigger than a coffee mill. Then, in the winter of 1812-13, barracks and a hospital were established about a mile from Williamsville up the creek, by cutting down trees and building huts in the woods.

Before these were built, one regiment of troops were cantoned in front of Williams' house; afterwards another behind the house, down the creek. On the bank of the creek was a beautiful grove, and the engineers asked permission to cut down the trees, to build barracks with. But this Mr. Caryl refused as unnecessary destruction. They replied, however, that his refusal made no difference—their asking was a mere matter of courtesy—and so they went to work in spite of his refusal, and cut down the trees.

Before the barracks were built, a temporary hospital had been established. In the tavern, Gen. Brown and Gen. Ripley and a British officer were sick, and men were taken care of in the houses of the little village. And the saw-mill of Juba Storrs & Co. furnished the lumber of which the boats were built that carried our troops across the river.

Thus, on account of the mills and hospital, Williamsville was an important point in the war, and large rewards were offered to the Indians by the British for the burning of them. But they were afraid of being intercepted and cut off, so never attempted to burn them.

At 12 o'clock on the night of December 29, 1813, Gen. Potter and wife arrived at Mr. Caryl's, at Williamsville, fleeing from the attack which was in progress, upon Buffalo. Mrs. Caryl got breakfast for all, and soon the Landons and William Walden came. Mr. Caryl sent his family forward with the other fugitives eastward, and himself remained to help the fleeing people as they arrived.

Then he followed, on horseback, to Avon, at the Genesee River, where he procured lodgings for his family at the house of a Mr. Osborn, and then left them to return to Williamsville for a few days.

Mrs. Dr. Chapin had, before the attack on Buffalo, come out to Harris Hill, three miles east of Williamsville, where her daughter, Sylvia, (Mrs. Holmes) was living. She had been confined, and was still very sick.

Louisa\* and Amelia† Chapin were thus alone at home in Buffalo, with Hiram Pratt, who lived with Dr. Chapin. The

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\*Mrs. Thaddeus Weed. †Mrs. Chapin.—ED.



Doctor had told the children (he having gone to meet the enemy) to put their clothes beside their beds ready to put on, for that if the British reached Black Rock, a gun would be fired, and that then they must get up and dress.

They did so. Dr. Colton, a partner of Dr. Chapin, then took the three children and walked up the creek to Pratt's ferry. There they were joined by Mary Pratt (Mrs. George Burt) and Anthony Davis. They walked on to Smoke's Creek, and there were overtaken by some of the Pratts, who took Mary Pratt and Hiram into their wagon. The rest trudged on, on foot, with Dr. Colton. They were at one time taken into an ox-cart, but found it such hard riding that they again took to their feet and walked on. They finally came to a farm-house where Dr. Colton expected to find the people ready to start in flight; but they had decided to wait till morning. There the children and the Doctor had a night of rest.

The following morning they started on again, on foot, but after a while were overtaken by two wagons, in one of which were a Mr. and Mrs. Bronson, Mrs. Bronson being on a bed, they being on their flight from Buffalo. Mrs. Bronson was a sister of Mrs. James L. Barton. Into their wagons the merchants had thrown goods, as they passed through the streets in leaving, among which were blankets. Into one of the wagons the weary children were taken and wrapped up warmly in the blankets. The farmer who owned and drove the wagon was very kind. The children had on no shawls, and the farmer said they wouldn't look so nice in the blankets as in the shawls, but that they would be comfortable—that he had a little girl at home named Louisa, and if she was in such a situation as they were in then, he would be very glad to have some one do for his as he was doing for them.

Thus they were carried on to Avon. As they drove up to a house Mr. Caryl stepped out, having returned from Williamsville, and told them the joyful news that their mother, Mrs. Chapin, was only a mile or so further on, at a Mr. Ladd's, so they went on and soon reached her and the rest of the company. They had *walked* in all about twenty-five miles. Louisa (Mrs. Weed) was about 9 years old.

At Avon, John Young, Mrs. Caryl's brother, made his appearance, and took Eliza Caryl home with him to Whitesboro. Mr. Caryl now went on with his family, and at Canandaigua found an old house with one habitable room, into which house went Mr. Caryl (with Catharine, Clark and Hamilton and sometimes Susan, who was sent on to Whitesboro to school, with Eliza) and Mrs. Chapin with Louisa and Hiram Pratt only, and sometimes Amelia.

The principal of the Academy at Canandaigua was the brother of a man who had been sick and died at Dr. Chapin's house in Buffalo, and he hearing of the family being there, came to see them, and wished to show his gratitude by taking Amelia into his school for the winter. This was done, and she boarded with Mrs. Robert Pomeroy, mother of Captain Champlin\* and Robert Pomeroy 2nd. The means required for taking care of the two families were furnished by Captain Caryl, Dr. Chapin being a prisoner in Canada. Indeed, they did not know but he was dead.

In the spring, Mr. Caryl's family returned to Williamsville and remained till the summer, when a new alarm arising, they went again to Canandaigua and lived in the house adjoining the jail. After that Mrs. Caryl left her children with "Aunt Young," and came on horseback to Williamsville, and then helped to take care of the wounded in various ways. One young man died at her home that summer.

When Dr. Chapin was paroled, he went to Canandaigua to see his family, and then came on to Williamsville to see Mr. Caryl, to thank him for what he had done for his fugitive and needy family.

In the fall of 1814 Dr. Chapin's family went to Geneva, and Mr. Caryl and wife went to Canandaigua and Geneva leaving Susan, Clark and Catharine with the Chapins at Geneva, took Eliza and Hamilton and started for New England in a sleigh, but the snow went off before they had reached Albany, so they returned, bringing the news of peace with them, and all returned to Williamsville.

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\* Commodore Champlin.—Ed.

[\*The Buffalo store and goods having been burned, Williams-ville became the center of the firm's operations ; but afterwards, under the personal management of Juba Storrs, the Canandaigua store became of leading importance. Early in the war, Hooker & Co., a mercantile firm consisting of ——— Hooker, Oliver Johnson and J. N. Bailey, abandoned their business at the head of Lake Ontario, and scattered. Bailey and Johnson came to Buffalo, and Johnson became a clerk for Juba Storrs & Co., at Williamsville. Bailey undertook business for himself in Buffalo, though apparently with some connection with Juba Storrs & Co. Mr. Zenas W. Barker was a clerk for Bailey,† and in December, 1813, went with him to Erie, Pa., and remained there till June, 1814, Bailey having gone there to establish a store, as a representative of Juba Storrs & Co. In that month Lucius Storrs returned to Buffalo from Mansfield and re-established the name and business of Juba Storrs & Co., in Buffalo. "The place and circumstances of this," says Mr. Bigelow, "are peculiarly interesting. Widow Atkins, whose husband had been killed in the war, and whose house was burned with the rest‡ had at once put up a 'little shell' of a place on the same site, in which two rooms, a front and a rear one, were made by a board partition, not very perfect at that. In the rear room lived Mrs. Atkins and her sister ; and the front one was taken by the firm of Juba Storrs & Co., as represented by partner Lucius Storrs." In the same June, apparently, Lucius packed up the Buffalo branch and went to Erie to take charge of the business there, but about November sold out to Willis & Fox, and returning to Williams-ville shared with Mr. Caryl the conduct of the business there.]

We come now to a crisis in the affairs of Juba Storrs & Co. Hitherto they have had success and prosperity ; and war had only served to increase it. But peace brought disaster.§ At first all still went well. Ezekiel Foster, as I have said, had

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\* This paragraph is condensed from Mr. Bigelow's more detailed and discursive narrative.—Ed.

† Letter from Barker to Albert Bigelow.—Ed.

‡ It stood at the northwest corner of Church and Pearl Streets. The late O. H. Marshall's former residence stood there at the time Mr. Bigelow wrote ; the Stafford Block now covers the site.—Ed.

§ Peace was declared Dec. 24, 1814.—Ed.

remained in Canada alone, attending to the business of the firm concentrated at Brantford. He had kept at work busily, against all discouragements. He was drafted for the British army, but absolutely refused to serve against his country. He was imprisoned on account of this, but that had no effect on him. With true Chapin pluck he held out and finally was released, and allowed to go on with the business ; and at the close of the war he paid over about \$3,000 as the share of the other partners in the profits of the business during the war, the Canada business being thus closed up. Besides this, Juba Storrs went to New York and received from the Government about \$14,000 for property destroyed (\$11,000 on buildings and \$3,000 on goods). Of the claims then put in and paid here by the Government Eli Hart's was the largest in amount and Juba Storrs & Co.'s next. After five or six claims had been paid, however, the Secretary of the Treasury shut down on further payments, saying it would ruin the country to keep on.

Juba Storrs, by nature ambitious and adventuresome, at once bought goods largely, at war prices, with this money and unfortunately very largely on credit, to the amount of over \$40,000 in New York and Albany, for Canandaigua and Williamsville. While he was thus buying, the bookkeeper at Canandaigua wrote to Mr. Caryl at Williamsville, informing him of Juba Storrs's movements, and expressing fear lest with continuance of peace, prices should fall and loss ensue, requesting Mr. Caryl to come to Canandaigua and look into the matter. He did so, but it was too late ; the mischief was done. The stock was on hand and the debts incurred.

Gradually, but surely and all too quickly, after all, for many, what the prudent had feared did follow. Prices declined, and in the process of time the firm came to the verge of failure. They struggled through the immediate pressure, got an extension of time for payment, and strove on under their heavy load of debt. There was not a man of all of them who was not the soul of honor. This I can say without fear of contradiction. All were, besides, gifted with a goodly measure of honest pride of ancestry and name ; so while their motives would work to keep up

courage, the trial to them all may well be noticed as most severe and the burden heavy.\*

Finally in 1820 the fall in prices and other causes of financial stress brought a pressure upon the firm greater than it could sustain, and failure followed. The property of the firm and its members collectively and individually was given up to three creditors at Canandaigua, Williamsville and Buffalo; and the partners became only assistants in the work of settling up affairs.

Juba Storrs came from Canandaigua to Williamsville, and Captain Caryl and Lucius Storrs, in June, 1820, came in to Buffalo and leased the "modest country tavern at the western terminus of the Albany stage road," which was the predecessor of the well-known Mansion House. It had been in the earlier days Crow's Tavern, afterwards Landon's Tavern both before the War and as rebuilt after the War. I have a fragment of the original register of 1820 on the outside of which is still legible the name of "Caryl's Tavern." This was not, however, on the site of the present Mansion House, but further back towards Washington Street, and I deem it probable that the name "Mansion House" was given first to the new tavern built by Bela D. Coe, of which the Mansion House of today is the enlargement and completion.

The apples from the orchard on the six and one-half acres east of Washington Street, belonging to Mr. L. Storrs, were taken to Hodge's cider mill and made into cider for the tavern, and other uses for the establishment were served by that property, until it was managed out of Mr. Storrs's hand, as before described. Juba Storrs remained but a little while at Williamsville, then came on to Buffalo and boarded at Caryl's Tavern.

[†When the affairs of Juba Storrs & Co. were settled, property valued at \$25,000 realized for the creditors only \$7,000, through the mismanagement, it is said, of their agent. To the credit of the firm's honor, and that of its individual members, it should be recorded that eventually no man lost a dollar by the failure, for ultimately every debt was discharged at one hundred cents on the dollar.]

\*For an episode in the history of the firm at this period see "The Indian Show," in the Appendix under "Documents and Miscellany."—Ed.

†This paragraph condensed from Mr. Bigelow's MSS.—Ed.

The very last claim paid was one of \$800, on which it was managed to make Mr. Lucius Storrs (General Storrs) personally responsible. \* \* \* \* I give this final fact concerning the firm history: In 1827 George Weed proposed to Mr. Storrs to join S. F. Pratt in taking half the hardware business; Mr. Storrs told him how he was situated as to this \$800 claim, which prevented him from engaging in business as a partner. Mr. Weed at once said, "That will be all right," and arranged with the creditor to take Lucius Storrs's note, endorsed by Weed, in settlement. This was done, and during the year in which Lucius Storrs was partner in the firm of George Weed & Co., his share of the profits paid that note and interest, thus wiping out the last indebtedness, and finally closing up the affairs of the firm of Juba Storrs & Co.

# THE JOURNEYS AND JOURNALS OF AN EARLY BUFFALO MERCHANT.

PAPER READ BEFORE THE SOCIETY, APRIL 14, 1890.

BY FRANK H. SEVERANCE.

On the frosty morning of February 5, 1822, a strange equipage turned out of Erie Street into Willink Avenue, drove down that steep and ungraded highway for a short distance, then crossed to Onondaga Street, and turning into Crow, was soon lost to sight among the snowdrifts that lined the road running around the south shore of Lake Erie. At least, such I take to have been the route, through streets now familiar as Main, Washington and Exchange, which a traveler would choose who was bound up the south shore of Lake Erie.

The equipage, as I have said, was a strange one, and a good many people came out to see it, not so much to look at the vehicle as to bid good-bye to its solitary passenger. The conveyance itself was nothing more nor less than a good-sized crockery-crate, set upon runners. Thills were attached, in which was harnessed a well-conditioned horse. The baggage, snugly stowed, included a saddle and saddle-bags, and a sack of oats for the horse. Sitting among his effects, the passenger, though raised but a few inches above the snow, looked snug and comfortable. With a chorus of well-wishes following him, he left the village, and by night-fall had traveled many miles to the westward, taking his course on the ice that covered Lake Erie.

This was John Lay, a merchant of the early Buffalo, whom even yet it is only necessary to introduce to the young people and to new-comers. The older generation remembers well the enterprising and successful merchant who shared fortunes with Buffalo in her most romantic days. Before going after him, up the ice-covered lake, let us make his closer acquaintance.

Mr. Lay, who was of good New-England stock, came to Buffalo in 1810 to clerk in the general store of his brother-in-law, Eli Hart. Mr. Hart had built his store on Main near the corner of Erie Street, the site now occupied by the National Savings Bank Building.\* His dwelling was on Erie Street, adjoining, and between the house and store was an ample garden. The space now occupied by the Churches† was a rough common; native timber still stood thick along the east side of Main, above South Division Street; the town had been laid out in streets and lots for four years, and the population, exceeding at this time four hundred, was rapidly increasing. There was a turnpike road to the eastward, with a stage route. Buffalo Creek flowed lazily into the lake; no harbor had been begun; and on quiet days in summer the bees could still be heard humming among the bass-woods by its waters.

This was the Buffalo to which young Lay had come. Looking back to those times, even more novel than the condition of the frontier village was the character of the frontier trade carried on by Mr. Hart. The trade of the villagers was less important than that which was held with the Canadians or English who were in office under the Government. To them they sold India goods, silks and muslins. Side by side with these, the shelves were stocked with hardware, crockery, cottonades, jeans and flannels, Indian supplies, groceries and liquors. The young New-Englander soon found that with such customers as Red Jacket, and other representative redmen, his usefulness was impaired unless he could speak Indian. With characteristic energy he set himself at the task, and in three months had mastered the Seneca. New goods came from the East by the old Mohawk River and

\*So when this paper was written but now ('96) the old bank building is owned by the American Express Company, with various tenants, and a likelihood of demolition in '97, giving way to a grander successor.—ED.

† From Main to Pearl, and from Erie to Niagara Streets.—ED.



Lewiston route, were polled up the Niagara from Schlosser's above the Falls, on flatboats, and were stored in a log house at the foot of Main Street.

Up to 1810 the growth of Buffalo had been exceedingly slow, even for a remote frontier point. But about the time Mr. Lay came here new life was shown. Ohio and Michigan were filling up, and the tide of migration strengthened. Mr. Hart's market extended yearly further west and southwest, and for a time they did a profitable business.

Then came the War, paralysis of trade, and destruction of property. Mr. Lay was enrolled as a private in Butt's Co. for defense. The night the village was burned, he, with his brother-in-law, Eli Hart, were in their store. The people were in terror, fearing massacre by the Indians, hesitating to fly, not knowing in which direction safety lay.

"John," said Mr. Hart, "there's all that liquor in the cellar—the redskins mustn't get at that."

Together they went down and knocked in the heads of all the casks until, as Mr. Lay said afterwards, they stood up to their knees in liquor.

As he was coming up from the work he encountered a villainous-looking Onondaga chief, who was knocking off the iron shutters from the store windows. They had been none too quick in letting the whiskey run into the ground. Mr. Lay said to the Indian :

"You no hurt friend?"

Just then a soldier jumped from his horse before the door. Mr. Lay caught up a pair of saddle-bags filled with silver and valuable papers, threw them across the horse, and cried out to his brother-in-law :

"Here, jump on and strike out for the woods."

Mr. Hart took this advice and started. The horse was shot from under him, but the rider fell unharmed, and catching up the saddle-bags made his way on foot to the house of his brother-in-law, Mr. Comstock. Later that day they came back to the town, and with others they picked up thirty dead bodies and put them into Reese's blacksmith shop, where the next day they were burned with the shop.

After starting his relatives toward safety, Mr. Lay thought of himself. The Onondaga had disappeared and Mr. Lay went into the house, took a long surtout that hung on the wall, and put it on. As he stepped out of the door he was taken prisoner, and that night with many others, soldiers and civilians, was carried across the river to Canada.

And here begins an episode, over which I am tempted to linger; for the details of his captivity, as they have been related to me by his widow, Mrs. Frances E. Lay, are worthy of an evening's consideration by themselves. I will only rehearse, as briefly as possible, the chief events of this captivity in Canada, which although not recorded in Mr. Lay's journals, resulted in one of his most arduous and adventurous journeys.

The night of December 30, 1813, was bitterly cold. The captured and the captors made a hard march from Fort Erie to Newark—or, as we know it now, Old Niagara. The town was full of Indians, and many of the Indians were full of whiskey. Under the escort of a body-guard Mr. Lay was allowed to go to the house of a Mrs. Secord, whom he knew. While there, the enemy surrounded the house and demanded Lay, but Mrs. Secord hid him in a closet and kept him concealed until Mr. Hart, who had followed with a flag of truce, had learned of his safety. Then came the long, hard march through Canadian snows to Montreal. The prisoners were put on short rations, were grudgingly given water to drink, and were treated with such unnecessary harshness that Mr. Lay boldly told the officer in charge of the expedition that on reaching Montreal he should report him to the Government for violating the laws of civilized warfare.

In March he was exchanged at Greenbush, opposite Albany. There he got some bounty and footed it across the country to Oneida, where his father lived. As he walked through the village he saw his father's sleigh in front of the postoffice, where his parents had gone, hoping for news from him. They burned his war-rags, and he rested for a time at his father's home, sick of the horrors of war and fearful lest his constitution had been wrecked by the hardships he had undergone. It will be noted that his enforced journey from Buffalo through Canada to Mon-

treail and thence south and west to Oneida had been made in the dead of winter and chiefly, if not wholly, on foot. Instead of killing him, as his anxious parents feared it might, the experience seems to have taught him the pleasures of pedestrianism, for it is on foot and alone that we are to see him undertaking some of his most extended journeys.

I cannot even pause to call attention to the slow recovery of Buffalo from her absolute prostration. The first house rebuilt here after the burning was that of Mrs. Mary Atkins, a young widow, whose husband, Lieutenant Asael Atkins, had died of an epidemic only ten days before the village was destroyed. The young widow had fled with the rest, finding shelter at Williams-ville, until her new house was raised on the foundation of the old. It stood at the corner of Church and Pearl streets, where the "Fulton Market"\* now is.

You are perhaps wondering what all this has to do with John Lay. Merely this: That when, at Mr. Hart's solicitation, Mr. Lay once more returned to Buffalo, he boarded<sup>1</sup> across the common from the rebuilt store, with the Widow Atkins, and later on married her daughter Frances, who, many years his junior, still survives, and to whose vigorous memory and kind graciousness we are indebted for these pictures of the past.<sup>†</sup>

The years that followed the war were devoted by Messrs. Hart and Lay to a new upbuilding of their business. Mr. Hart, who had ample capital, went to New York to do the buying for the firm, and continued to reside there, establishing as many as five general stores in different parts of Western New York. He had discerned in his young relative a rare combination of business talents, made him a partner, and entrusted him with the entire conduct of the business at Buffalo. After peace was declared the commercial opportunities of a well-equipped firm here were great. Each season brought in larger demands from the western country. Much of the money that accrued from the sale of lands of the Holland Purchase flowed in the course of trade into their hands. The pioneer families of towns to the west of Buffalo came to Buffalo to trade, and personal friendships were

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\*Now the Stafford Building.—ED.

†Mrs. Lay died Nov. 11, 1893.—ED.

cemented among residents scattered through a large section. I find no period of our local history so full of activities. From Western New York to Illinois it was a time of foundation-laying. Let me quote a few paragraphs from memoranda which Mrs. Lay has made relating to this period :

The war had brought men of strong character, able to cope with pioneer life; among others, professional men, surgeons, doctors and lawyers : Trowbridge, Marshall, Johnson, and many others. Elliot of Erie was a young lawyer of whom Mr. Lay often said, "His word is as good as his bond." Another friend was Hamot of Erie, who had married Mr. Hart's niece. He made frequent visits to his countryman, Louis Le Couteulx. [At whose house, by the way, John Lay and Frances Atkins were married, Red Jacket being among the guests.] At Erie, then a naval station, were the families of Dickinson, Brown, Kelso, Reed, Colonel Christy, and many others, all numbered among Mr. Lay's patrons. Albert H. Tracy came here about that time; he brought a letter from his brother Phineas, who had married Mr. Lay's sister. He requested Mr. Lay to do for him what he could in the way of business. Mr. Lay gave him a room over his store, and candles and wood for five years. Even in those days Mr. Tracy used to declare that he should make public life his business.

Hart & Lay became consignees for the Astors in the fur business. I well remember that one vessel load of furs from the West got wet. To dry them Mr. Lay spread them on the grass, filling the green where the churches now are. The wet skins tainted the air so strongly that Mr. Lay was threatened with indictment—but he saved the Astors a large sum of money.

Hart & Lay acquired large tracts of land in Canada, Ohio and Michigan. To look after these and other interests Mr. Lay made several adventurous journeys to the West—such journeys as deserve to be chronicled with minutest details, which are not known to have been preserved. On one occasion, to look after Detroit interests, he went up the lake on the ice with Major Barton and his wife ; the party slept in the wigwams of Indians, and Mr. Lay has left on record his admiration of Mrs. Barton's ability to make even such rough traveling agreeable.

A still wilder journey took him to Chicago. He went alone, save for his Indian guides, and somewhere in the western wilderness they came to him and told him they had lost the trail. Before it was regained their provisions were exhausted, and they lived for a time on a few kernels of corn, a little mutton tallow, and a sip of whiskey. Fort Dearborn—or Chicago—at that date

had but one house, a fur-trading post. When Mr. Lay and his guides reached there they were so near starvation that the people dared give them only a teaspoonful of pigeon-soup at a time. Nor had starvation been the only peril on this occasion. An attempt to rob him, if not to murder him, lent a grim spice to the journey. Mr. Lay discovered that he was followed, and kept his big horse-pistols in readiness. One night, as he lay in a log-house, he suddenly felt a hand moving along the belt which he wore at his waist. Instantly he raised his pistol and fired. The robber dashed through the window, and he was molested no more.

Such adventurous journeyings as these formed no inconsiderable part of the work of this pushing Buffalo merchant during the half dozen years that followed the burning of the town. Business grew so that half a dozen clerks were employed, and there were frequently crowds of people waiting to be served. The store became a favorite rendezvous of prominent men of the place.

Many a war episode was told over there. Albert Gallatin and Henry Clay, Jackson and the United States banks—the great men and measures of the day—were hotly discussed there; and many a time did the group listen as Mr. Lay read from *Niles' Register*, of which he was a constant subscriber. There were sometimes lively scimmages there, as the following incident, narrated by Mrs. Lay, will illustrate:

There was a family in New York City whose son was about to form a misalliance. His friends put him under Mr. Hart's care and he brought the youth to Buffalo. Here, however, an undreamed-of difficulty was encountered. A young Seneca squaw, well known in town as Suse, saw the youth from New York and fell desperately in love with him. Mr. Lay, not caring to take the responsibility of such a match-making, shipped the young man back to New York. The forest maiden was disconsolate, but unlike *Viola*, she told her love, nor "let concealment like the worm i' the bud, feed on her damask cheek." Not a bit of it. On the contrary, whenever Suse saw Mr. Lay she would ask him where her friend was. One day she went into the store, and going up to the counter behind which Mr. Lay

was busy, drew a club from under her blanket and "let him have it" over the shoulders. The attack was sudden, but just as suddenly did he jump over the counter and tackle her. Suse was a love-lorn maid, but she was strong as a wild-cat and as savage. Albert H. Tracy, who was in the store, afterwards described the struggle to Mrs. Lay.

"I never saw a fight," he said, "where both parties came so near being killed, but Lay got the better of her, and yanked her out into the street with her clothes torn off from her."

"I should think you would have helped John," said the gentle lady, as Mr. Tracy told her this.

"Oh, I knew he could manage her," was the answer. Suse never went near the store again.

By the close of the year 1821, although still a young man, the subject of this sketch had made a considerable fortune. Feeling the need of rest, and anxious to extend his horizon beyond the frontier scenes to which he was accustomed, he decided to go to Europe. Telling Mr. Hart to get another partner, the business was temporarily left in other hands; and on February 5, 1822, as narrated at the opening of this paper, Mr. Lay drove out of town in a crockery-crate, and took his course up the ice-covered lake, bound for Europe.

Recall, if you please, something of the conditions of those times. No modern journeyings that we can conceive of, short of actual exploration in unknown regions, are quite comparable to such an undertaking as Mr. Lay proposed. Partly, perhaps, because it was a truly extraordinary thing for a frontier merchant to stop work and set off on an indefinite period of sight-seeing; and partly, too, because he was a man whose love for the accumulation of knowledge was regulated by precise habits, we are now able to follow him in the closely-written, faded pages of half a dozen fat journals, written by his own hand day by day during the two years of his wanderings. No portion of these journals has ever been published, yet they are full of interesting pictures of the past, and show Mr. Lay to have been a close observer and a receptive student of nature and of men.

The reason of his crockery-crate outfit may have been divined. He wanted a sleigh which he could leave behind without loss when the snow disappeared.

Business took him first to Cleveland, which he reached in six days, driving much of the distance on the lake. Returning, at Erie he headed south and followed the old French Creek route to the Allegheny. Presently the snow disappeared. The crockery-crate sleigh was abandoned, and the journey lightly continued in the saddle; among the few *impedimenta* which were carried in the saddle-bags being "a fine picture of Niagara Falls, painted on satin, and many Indian curiosities to present to friends on the other side."

Pittsburg was reached March 2nd, and after a delay of four days, during which he sold his horse for \$30, we find our traveler embarked on the new steamer Gen. Neville, carrying \$120,000 worth of freight and fifty passengers.

Those were the palmy days of river travel. There were no railroads to cut freight rates, or to divert the passenger traffic. The steamers were the great transporters of the middle West. The Ohio country was just emerging from that famous period which made the name "river-man" synonymous with all that was disreputable. It was still the day of poor taverns, poor food, much bad liquor, fighting, and every manifestation of the early American vulgarity, ignorance and boastfulness which amazed every foreigner who ventured to travel in that part of the United States, and sent him home to magnify his bad impressions in a book. But with all its discomforts, the great Southern river route of 1822 proved infinitely enjoyable to our Buffalonian. At Louisville, where the falls intercepted travel, he re-embarked on the boat Frankfort, for a fourteen days' journey to New Orleans. Her cargo included barrels of whiskey, hogsheads of tobacco, some flour and cotton, packs of furs, and two barrels of bear's oil—how many years, I wonder, since that last item has been found in a bill of lading on an Ohio steamer!

I must hurry our traveler on to New Orleans, where, on a Sunday, he witnessed a Congo dance, attended by 5,000 people, and at a theater, saw "The Battle of Chippewa" enacted. There are one or two members of our society, I believe, who would start for New Orleans tomorrow if they thought they could see that play!

April 27th Mr. Lay sailed from New Orleans, the only passenger on the ship *Triton*, three hundred and ten tons, cotton-laden, for Liverpool. It was ten days before they passed the bar of the Mississippi and entered the Gulf, and it was not until June 28th that they anchored in the Mersey. The chronicle of this sixty days' voyage, as is apt to be the case with journals kept at sea, is exceedingly minute in detail. Day after day it is recorded that "we sailed thirty miles today," "sailed forty miles today," etc. There's travel for you—thirty miles on long tacks, in twenty-four hours! The ocean greyhound was as yet unborn. The chief diversion of the passage was a gale which blew them along one hundred and ninety-five miles in one twenty-four hours; and an encounter with a whaleship that had not heard a word from the United States in three years. "I tossed into their boat," Mr. Lay writes, "a package of newspapers. The captain clutched them with the avidity of a starving man." Ashore in Liverpool, the first sight he saw was a cripple being carried through the streets—the only survivor from the wreck of the *President*, just lost on the Irish coast.\*

He hastened to London just too late to witness the coronation of George IV., but followed the multitude to Scotland, where, as he writes, "the outlay of attentions to this bad man were beyond belief. Many of the nobility were nearly ruined thereby." He was in Edinburgh on the night of August 15, 1822, when that city paid homage to the new King; saw the whole coast of Fife illuminated "with bonfires composed of thirty tons of coal and nearly one thousand gallons of tar and other combustibles"; and the next day, wearing a badge of Edinburgh University, was thereby enabled to gain a good place to view the guests as they passed on their way to a royal levee. To the nobility our Buffalonian gave little heed; but when Sir Walter Scott's carriage drove slowly by he gazed his fill. "He has gray thin hair and a thoughtful look," Mr. Lay wrote. "*The Heart of Midlothian*" had just been published, and Mr. Lay went on foot over all the ground mentioned in that historic romance. He stayed in pleasant private lodgings in Edinburgh for six

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\*AUTHOR'S NOTE.—This must not be confounded with the wreck of the steamer *President*, which was never heard from after the storm of March 13, 1841. The *President* of which Mr. Lay wrote was obviously a bark, ship or other sailing craft.



months, making pedestrian excursions to various parts of Scotland. In twenty-eight days of these wanderings he walked two hundred and sixty miles.

Instead of following him closely in these rambles, my auditors are asked to recall, for a moment, the time of this visit. Great Britain was as yet, to all intents and purposes, in the 18th Century. She had few canals and no railroads, no applied uses of steam and electricity. True, Stephenson had experimented on the Killingworth Railway in 1814; but Parliament had passed the first railway act only a few months before Mr. Lay reached England, and the railway era did not actually set in until eight years later. There is no reference in the Lay journals to steam locomotives or railways. Liverpool, which was built up by the African slave trade, was still carrying it on; the Reform Bill was not born in Parliament; it was still the old regime.

Our traveler was much struck by the general bad opinion which prevailed regarding America. On meeting him, people often could not conceal their surprise that so intelligent and well-read a man should be an American, and a frontier tradesman at that. They quizzed him about the workings of popular government:

I told them [writes this true-hearted Democrat] that as long as we demanded from our public men, honesty and upright dealings, our institutions would be safe, but when men could be bought or sold I feared the influence would operate ruinously, as all former republics had failed for lack of integrity and honesty.

His political talks brought to him these definitions, which I copy from his journals:

Tory was originally a name given to the wild Irish robbers who favored the massacre of the Protestants in 1641. It was afterward applied to all high-flyers of the Church. Whig was a name first given to the country field-elevation meetings, their ordinary drink being whig, or whey, or coagulated sour milk. Those against the Court interest during the reigns of Charles II. and James II. and for the Court in the reigns of William and George I., were called Whigs. A Yankee is thus defined by an Englishman, who gives me what is most likely the correct derivation of the epithet: The Cherokee word *eanker* (?) signifies coward or slave. The Virginians gave the New Englanders this name for not assisting in a war with the Cherokees in the early settlement of their country, but after the affair of Bunker Hill the New Eng-

landers gloried in the name, and in retaliation called the Virginians Buckskins, in allusion to their ancestors being hunters, and selling as well as wearing buckskins in place of cloth.

In Edinburgh he saw and heard much of some of Scotia's chief literary folk. Burns had been dead twenty-six years, but he was still much spoken of, much read, and admired far more than when he lived. With Mr. Stenhouse, who for years was an intimate of Burns, Mr. Lay formed a close acquaintance:

Mr. Stenhouse has in his possession [says the journal] the MSS. of all of Burns's writings. I have had the pleasure of perusing them, which I think a great treat. In the last of Burns's letters which I read, he speaks of his approaching dissolution with sorrow, of the last events of his life in the most touching and delicate language.

The journal relates some original Burns anecdotes, which Mr. Lay had from the former companions of the bard, but which have probably never been made public, possibly because—in characteristic contrast to the letter referred to above—they are touching but *not* delicate.

Our Buffalonian encountered numerous literary lions, and writes entertainingly of them. He speaks often of Scott, who, he says, "is quite the theme. He is constantly writing—something from his pen is shortly expected. I saw him walking on the day of the grand procession. He is very lame, has been lame from his youth, a fact I did not know before." James Hogg, author of the "Winter Evening Tales," lived near Edinburgh. Mr. Lay describes him as a "singular rustic sort of a genius, but withal clever—very little is said about him."

I have touched upon Mr. Lay's achievements in pedestrianism, a mode of travel which he doubtless adopted partly because of the vigorous pleasure it afforded, partly because it was the only way in which to visit some parts of the country. A man who had walked from Fort Erie to Montreal, to say nothing of hundreds of miles done under pleasanter circumstances, would naturally take an interest in the pedestrian achievements of others. Whoever cares for this "sport" will find in the Lay journals unexpected revelations on the diversions and contests of almost seventy years ago. Have we not regarded the walking-match as a modern mania, certainly not antedating Weston's

achievements? Yet listen to this page of the old journal, dated Edinburgh, August 27, 1822 :

I went to see a pedestrian named Russell, from the north of England, who had undertaken to walk one hundred and two miles in twenty-four successive hours. He commenced his task yesterday at 1.15 o'clock. The spot chosen was in the vale between the Mound and the North Bridge, which gave an opportunity for a great number of spectators to see him to advantage; yet the numbers were so great and so much interested that there were persons constantly employed to clear his way. The ground he walked over measured one-eighth of a mile. I saw him walk the last mile, which he did in twelve minutes. He finished his task with eleven minutes to spare, and was raised on the shoulders of men and borne away to be put into a carriage, from which the horses were taken. The multitude then drew him through many principal streets of the city in triumph. The Earl of Fyfe agreed to give him £30 if he finished his work within the given time. He also got donations from others. Large bets were depending, one of 500 guineas. He carried a small blue flag toward the last and was loudly cheered by the spectators at intervals.

Nor was the "sport" confined to Scotland. August 4, 1823, being in London, Mr. Lay writes :

Today a girl of 8 years of age undertook to walk thirty miles in eight consecutive hours. She accomplished her task in seven hours and forty-nine minutes without being distressed. A wager of 100 sovereigns was laid. This great pedestrian feat took place at Chelsea.

A few weeks later he writes again :

This is truly the age of pedestrianism. A man has just accomplished the task of 1,250 miles in twenty successive days. He is now to walk backward, forty miles a day for three successive days. Mr. Irvine, the pedestrian, who attempted to walk from London to York and back, 394 miles, in five days and eight hours, accomplished it in five days, seven and one-half hours.

With men walking backwards and eight-year-old girls on the track, these Britons of three-fourths of a century ago still deserve the palm. But Mr. Lay's own achievements are not to be lightly passed over. Before leaving London he wrote: "The whole length of my perambulations in London and vicinity exceeds 1,200 miles."

The journals, especially during the months of his residence in Scotland, abound in descriptions of people and of customs now pleasant to recall because for the most part obsolete. He

heard much rugged theology from Scotland's greatest preachers; had an encounter with robbers in the dark and poorly-policed streets of Edinburgh; had his pockets picked while watching the King; and saw a boy hanged in public for house-breaking. With friends he went to a Scotch wedding, the description of which is so long that I can only give parts of it:

About forty had assembled. The priest, a Protestant, united them with much ceremony, giving them a long lecture, after which dinner was served up and whiskey toddy. At six, dancing commenced, and was kept up with spirit until eleven, when we had tea, after which dancing continued until three in the morning. The Scotch dances differ from the American, and the dancers hold out longer. The girls particularly do not tire so early as ours at home. We retired to the house where the bride and groom were to be bedded. The females of the party first put the bride to bed, and the bridegroom was then led in by the men. After both were in bed liquor was served. The groom threw his left-leg hose. Whoever it lights upon is next to be married. The stocking lighted on my head, which caused a universal shout. We reached home at half-past six in the morning, on foot.

I have been much too long in getting Mr. Lay to London, to go about much with him there. And yet the temptation is great, for to an American of Mr. Lay's intelligence and inquiring mind; the great city was beyond doubt the most diverting spot on earth. One of the first sights he saw—a May-day procession of chimney-sweeps, their clothes covered with gilt paper—belonged more to the 17th Century than to the 19th. Peel and Wilberforce, Brougham and Lord Gower, were celebrities whom he lost no time in seeing. On the Thames he saw the grand annual rowing-match for the Othello wherry prize, given by Edmund Kean in commemoration of Garrick's last public appearance on June 10, 1776. Mr. Lay's description of the race, and of Kean himself, who "witnessed the whole in an eight-oared cutter," is full of color and appreciative spirit. He saw a man brought before the Lord Mayor who "on a wager had eaten two pounds of candles and drank seven glasses of rum," and who at another time had eaten at one meal "nine pounds of ox-hearts and taken drink proportionately"; and he went to Bartholomew's Fair, that most audacious of English orgies against which even the public sentiment of that loose day was beginning to protest. As American visitors at Quebec feel today

a flush of patriotic resentment when the orderly in the citadel shows them the little cannon captured at Bunker Hill, so our **loyal friend**, with more interest than pleasure, saw in the chapel at Whitehall, "on each side and over the altar eight or ten eagles, taken from the French, and flags of different nations; the eagle of the United States is among them, two taken at New Orleans, one at Fort Niagara, one at Queenston, and three at Detroit"; but like the American at Quebec, who on being taunted with the captured Bunker Hill trophy, promptly replied, "Yes, you got the cannon, but we kept the hill," Mr. Lay, we may be sure, found consolation in the thought that though we lost a few eagle-crested standards, we kept the Bird o' Freedom's nest.

July 5, 1823, he crossed London Bridge on foot, and set out on an exploration of rural England, tourings in which I have not time to follow him. When he first went abroad he had contemplated a trip on the continent. This, however, he found it advisable to abandon, and on October 5, 1823, on board the *Galatea*, he was beating down the channel, bound for Boston. The journey homeward was full of grim adventure. A tempest attended them across the Atlantic. In one night of terror, "which I can never forget," he writes, "the ship went twice entirely around the compass, and in very short space, with continual seas breaking over her." The sailors mutinied and tried to throw the first mate into the sea. Swords, pistols, and muskets were made ready by the captain. Mr. Lay armed himself and helped put down the rebellion. When the captain was once more sure of his command, "Jack, a Swede, was taken from his confinement, lashed up, and whipped with a cat-o'-nine-tails, then sent to duty." The dose of cat was afterwards administered to the others. It is no wonder that the traveler's heart was cheered when, on November 13th, the storm-tossed *Galatea* passed under the guns of Forts Warren and Independence, and he stepped ashore at Boston.

He did not hurry away, but explored that city and vicinity thoroughly, going everywhere on foot, as he had, for the most part, in England. He visited the theaters and saw the celebrities of the day, both of the stage and the pulpit. At the old

Boston Theater, Cooper was playing *Marc Antony* with Mr. Finn as *Brutus* and Mr. Barrett as *Cassius*.

On November 20th he pictures a New England Thanksgiving :

This is Thanksgiving Day throughout the State of Massachusetts. It is most strictly observed in this city; no business whatever is transacted—all shops remained shut throughout the day. All the churches in the city were open, divine service performed, and everything wore the appearance of Sunday. Great dinners are prepared and eaten on this occasion, and in the evening the theaters and ball-rooms tremble with delight and carriages fill the streets. \* \*  
\* \* A drunken, riotous gang of fellows got under our windows, yelping and making a great tumult.

A week later, sending his baggage ahead by stage coach, he passed over Cambridge Bridge, on foot for Buffalo, by way of New York, Philadelphia, Washington, Pittsburg, and Erie.

Once more I must regret that reasonable demands on your patience will not let me dwell with much detail on the incidents and observations of this unusual journey. No man could take such a grand walk and fail to see and learn much of interest. But here was a practical, shrewd, observant gentleman, who, just returned from two years in Great Britain, was studying his own countrymen and weighing their condition and ideas by most intelligent standards. The result is that the pages of the journals reflect with unaccustomed fidelity the spirit of those days, and form a series of historical pictures not unworthy our careful attention. Just a glimpse or two by the way and I am through.

The long-settled towns of Massachusetts and Connecticut appeared to him in the main thrifty and growing. Hartford he found a place of seven thousand inhabitants, "compactly but irregularly built, the streets crooked and dirty, with sidewalks but no pavements." He passed through Wethersfield, "famous for its quantities of onions. A church was built here, and its bell purchased," he records, "with this vegetable." New Haven struck him as "elegant, but not very flourishing, with three hundred students in Yale." Walking from twenty-five to thirty-five miles a day, he reached Rye, just over the New York State line, on the ninth day from Boston, and found people burning turf or peat for fuel, the first of this that he had noticed in the United States.

At Harlem Bridge, which crosses to New York Island, he found some fine houses, "the summer residences of opulent New Yorkers"; and the next day "set out for New York, seven miles distant, over a perfectly straight and broad road, through a rough, rocky, and unpleasing region." In New York, where he rested a few days, he reviewed his New England walk of two hundred and twelve miles :

The general aspect of the country is pleasing, inns are provided with the best, the people are kind and attentive. I think I have never seen tables better spread. I passed through thirty-six towns on the journey, which are of no mean appearance. I never had a more pleasant or satisfactory excursion. There are a great number of coaches for public conveyance plying on this great road. The fare is \$12 for the whole distance. Formerly it was 254 miles between Boston and New York, but the roads are now straightened, which has shortened the distance to 212 miles.

He had experienced a Boston Thanksgiving. In New York, Thursday, December 18th, he had another one. Thanksgiving then was a matter of State proclamation, as now, but the day had not been given its National character, and in many of the States it was not observed at all. We have seen what it was like in Boston. In New York "business appears as brisk as on any other laboring day." The churches, however, were open for service, and our traveler went to hear the Rev. Mr. Cummings in Vanderventer Street, and to contribute to a collection in behalf of the Greeks.

Four days before Christmas he crossed to Hoboken, and trudged his way through New Jersey snow and mud to Philadelphia, which he reached on Christmas. At the theater that night he attended—

a benefit for Mr. Booth of Covent Garden, London, and was filled with admiration for Mr. Booth, but the dancing by Miss Hathwell was shocking in the extreme. The house was for a long time in great uproar, and nothing would quiet them but an assurance from the manager of Mr. Booth's reappearance.

This of course was Junius Brutus Booth. Here is Mr. Lay's pen picture of Philadelphia sixty-three years ago :

The streets of Philadelphia cross at right angles; are perfectly straight, well paved, but miserably lighted. The sidewalks break with wooden bars on which various things are suspended, and in the lower streets these bars are

He had no trouble up to this point in sending his baggage ahead. It was some days before the stage left for Erie. All was at length dispatched, however, and on February 14th he crossed over to Allegheny—I think there was no bridge there then—and marched along, day after day, through Harmony, Mercer, Meadville, his progress much impeded by heavy snow; at Waterford he met his old friend, G. A. Elliott, and went to a country dance; and finally on February 20th found himself at Mr. Hamot's dinner-table in Erie, surrounded by old friends. They held him for two days; then, in spite of heavy snow, he set out on foot for Buffalo. Even the faded pages of the old journal which hold the record of these last few days, bespeak the eager nervousness which one long absent feels as his wanderings bring him near home. With undaunted spirit, our walker pushed eastward to the house of Col. N. Bird, two miles beyond Westfield; and the next day, with Col. Bird, drove through a violent snow-storm to Mayville to visit Mr. William Peacock—the first ride he had taken since landing in Boston in November of the previous year. But he was known throughout the neighborhood, and his friends seem to have taken possession of him. From Mr. Bird's he went in a stage-sleigh to Fredonia to visit the Burtons. Snow two feet deep detained him in Hanover town, where friends showed him "some tea-seed bought of a New-England peddler, who left written directions for its cultivation." "It's all an imposition," is Mr. Lay's comment—but what a horde of smooth-tongued tricksters New England has to answer for!

The stage made its way through the drifts with difficulty to the Cattaraugus, where Mr. Lay left it, and stoutly set out on foot once more. For the closing stages of this great journey, let me quote direct from the journal:

I proceeded over banks of drifted snow until I reached James Marks's, who served breakfast. The stage wagon came up again, when we went on through the Four-mile woods, stopping to see friends and spending the night with Russell Goodrich. On February 29th (two years and twenty-four days from the date of setting out) I drove into Buffalo on Goodrich's sleigh and went straight to Rathbun's, where I met a great number of friends, and was invited to take a ride in Rathbun's fine sleigh with four beautiful greys. We drove down the Niagara as far as Mrs. Seely's, and upset once.



The wayside inns are gone or have lost their early character, and the locomotive has everywhere set a new pace for progress.

When Mr. Lay entered the Blue Ridge section, beyond Chambersburg, he found Dutch almost the only language spoken. The season was at first mild, and as he tramped along the Juniata, it seemed to him like May. "Land," he notes, "is to be had at from \$1 to \$3 per acre." It took him seventeen days to walk to Pittsburg. Of the journey as a whole, he says:

At Chambersburg the great stage route from Philadelphia unites with the Baltimore road. Taverns on these roads are frequent and nearly in sight of each other. The gates for the collection of tolls differ in distance—some five, others ten and others twenty-five miles asunder. Notwithstanding the travel is great, the stock yields no profit to holders, but, on the contrary, it is a sinking concern on some parts, and several of the companies are in debt for opening the road. About \$100 per mile are annually expended in repairs. It cost a great sum to open the road, particularly that portion leading over the mountains and across the valleys.

Taverns are very cheap in their charges; meals are a fourth of a dollar, beds  $6\frac{1}{4}$  cents, liquors remarkably cheap. Their tables are loaded with food in variety, well prepared and cleanly served up with the kindest attention and smiling cheerfulness. The women are foremost in kind abilities. Beer is made at Chambersburg of an excellent quality and at other places. A good deal of this beverage is used and becoming quite common; it is found at most of the good taverns. Whiskey is universally drank and it is most prevalent. Places for divine service are rarely to be met with immediately on the road. The inhabitants, however, are provided with them not far distant in the back settlements, for almost the whole distance. The weather has been so cold that for the two last days before reaching Pittsburg I could not keep myself comfortable in walking; indeed, I thought several times I might perish.

In Pittsburg he lodged at the old Spread Eagle Tavern, and afterwards at Conrad Upperman's inn on Front Street at \$2 a week. He found the city dull and depressed:

The streets are almost deserted, a great number of the houses not tenanted, shops shut, merchants and mechanics failed; the rivers are both banked by ice, and many other things wearing the aspect of decayed trade and stagnation of commerce. Money, I find, purchases things very low. Flour from this city is sent over the mountains to Philadelphia for \$1 per barrel, which will little more than half pay the wagoner's expenses for the two hundred and eighty miles. Superfine flour was \$4.12½ in Philadelphia, and coal 3 cents per bushel. Coal for cooking is getting in use in this city—probably two-thirds the cooking is with coal.

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What happier climax could there have been for this happy home-coming !

Here, since this paper is not a biography of Mr. Lay, but merely notes from his journals on the subject of his journeys, we will leave this well-remembered merchant of the early Buffalo. Let me add, however, a grateful acknowledgement to the members of his family who kindly placed the much-treasured journals in my hands, together with a most interesting MS. of reminiscences, written by Mrs. Lay. To this lady and her daughters, and to Mr. W. C. Bryant, who first told me of the Lay MSS., you are indebted for whatever pleasure the evening's paper has afforded.



THE NATIONAL  
FREE SOIL CONVENTION OF '48.

HELD IN BUFFALO.

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PAPER READ BEFORE THE SOCIETY JANUARY 7, 1878.

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BY JOHN HUBBELL.

When I proposed to prepare a paper on the National Free Soil Convention I intended to do nothing more than attempt a brief history and account of the "actings and doings" of that most extraordinary assemblage, including a few brief sketches of the more prominent individuals who took part in its proceedings. But I soon found that any attempt in this direction which should not include a reference to and discussion of the preceding events which in the course of a few years had created the condition of things of which this Convention was a very natural result, would fail to be either interesting or satisfactory. I must, therefore, by way of introduction to the main subject allude to some of the more important facts referred to, and which in my judgment have had and will continue to have a most controlling influence on the destinies of this nation.

Up to the year 1840 the two great political parties, however widely they may have differed, in reference to other questions, seemed to agree, as by common consent, that the subject of slavery should not be permitted in any way to become an element in their controversies. On the contrary it was regarded as a "disturbing element," an "exciting topic," the discussion of which was to be avoided and discountenanced as tending to disturb our harmonious relations with the Southern States.

The Abolitionists, however, insignificant in point of numbers, were nevertheless growing more and more formidable year by year, by the vigor and persistency of their assaults upon the "peculiar institution," denouncing it as "the sum of all villainies," and declaring that the Constitution itself by which it was recognized and protected was "a league with Hell, and a covenant with Death."

As against "these pestilent fellows who were turning the world upside down" but in whose ranks were to be found some of the brightest intellects in the nation, both parties directed their most violent denunciations.

No convention, whether National, State or county, would have been considered orthodox or regular which did not contain as one of its most substantial "planks" a declaration of abhorrence of the purpose and designs of the Abolitionists, and of devotion to all the "compromises of the Constitution"; the "representative men," of both parties, whose mission on earth it was to enlighten and instruct their fellow citizens as to their political rights and duties, whether found in the halls of the National Capitol or who fulminated their little thunder in local conventions or caucuses, never failed to impress upon their constituents a proper sense of their duty to uphold the patriarchal institution not only as one recognized by the Constitution, but as sanctioned by the wisdom of ages and the decrees of an all-wise Providence.

It is not to be forgotten in this connection that the preservation of the Union and the Constitution, was of all things the most important, and paramount to every other consideration; that the institution of slavery, however abhorrent to every sentiment of justice and humanity, and opposed to the genius of our institutions, and the civilization of the age, was nevertheless protected by Constitutional provisions from interference either by the General Government or the people of the non-slaveholding States; and that any attempt towards its abolition could only be accomplished by a dissolution of the Union, and a sacrifice of all the benefits and advantages which had flowed "from the more perfect union" under which our people had grown and prospered, and become one of the first powers in the world.

Very possibly the people of the Northern States in their loyalty to the spirit of the Constitution may have exceeded those limits which either duty or patriotism would have demanded, but the time came when the North was compelled to assert its constitutional rights and to resist the exactions and oppressions of the South.

Passing over the period intervening between the adoption of the Constitution up to a few years before the annexation of Texas, let us dwell a few moments on that most interesting, and in its results, most important event.

The territory which now comprises the State of Texas, up to about the year 1835, or 1836, belonged to and formed a part of the empire of Mexico, when a few adventurers from the South and Southwest States made their way into this territory, under the lead of the celebrated General Houston, and after a few months formed what they styled an independent government; adopted a Declaration of Independence, declaring Texas to be a free and independent State "with full power to levy war, conclude peace, contract alliances, and to do all other acts which a free and independent State might of right do." The Mexican Government, weak and demoralized by internal dissensions, undertook to drive out these adventurers by force of arms; but after a few battles, Houston and his friends succeeded in defeating the Mexican armies and took their President, Santa Anna, a prisoner.

The Mexican armies were then withdrawn from Texas and for several years afterwards the people of the territory maintained an existence as an independent nation, having been recognized as such by the United States Government and possibly by other nations. But Mexico did not consent to or acquiesce in the separation and dismemberment of her empire and refused to acknowledge the independence of the new Government. On the contrary she denounced the Texans as a band of marauders and vagabonds, refugees and fugitives from justice, "the cankers of a calm world, and a long peace," who had taken refuge in her unoccupied territory as mere squatters, and from which it was her purpose to drive them out whenever her interest required their expulsion.

Such was the condition of things when during the administration of John Tyler, in the year 1843, the country was astounded by the announcement that a secret treaty had been made and concluded by the President of the United States with the Texan authorities and awaited only the approval of the Senate by which the territory claimed by that State was to be annexed to and form a part of the United States. As a general thing this scheme was highly approved by the Southern States as affording unlimited scope and verge for the spread of slavery, and the consequent enhancement of the value of their slave property. In many quarters it was opposed and denounced as an outrage upon Mexico; who could not but regard the proposed annexation as an attempt to rob her of a vast extent of her lawful dominions over which she had never relinquished jurisdiction.

This scheme was sprung upon the Nation in the spring of 1843, a few months before the time appointed for the meeting of the National convention for the nomination of candidates for the Presidency.

At this time the two men most prominent as the leaders of their respective parties were Henry Clay and Martin Van Buren, whose nomination by their respective parties was regarded as a foregone conclusion.

Called upon to define their position on the question of annexation without hesitation and without concert or communication with each other they severally publicly declared their opposition to the scheme of Tyler and his Cabinet, thus placing themselves in open opposition to the darling project of the slaveholders, and sacrificing all hopes or prospects in reference to the Presidency. The result is well known. Mr. Van Buren was almost wholly ignored at the Democratic Convention, James K. Polk of Tennessee being named in his place. Mr. Clay fared somewhat better in the convention of his party, having received the barren honor of a nomination, only to be beaten at the polls, the canvass resulting in the election of James K. Polk, whose only claim to the office consisted in the fact that he was an avowed advocate of the annexation scheme.



It is hardly worth while to dwell upon the events which "followed hard upon" the election of Mr. Polk. The treaty with Texas was ratified; and this was followed by the war with Mexico, which resulted in her subjugation, and the acquisition by our Government of new territory, extending to the Pacific Ocean, including Upper and Lower California.

The great question then arose as to what should be the policy in reference to this new territory. Should it be given up to the dominion of slavery altogether, or left open for the operation of free institutions. A very few members of Congress from the Northern States, among whom were Preston King, Bradford R. Wood, Martin Grover and E. D. Culver from this State, Hannibal Hamlin of Maine, Jacob Brinkerhoff of Ohio, very early took the most decided and what was at the time regarded as very extreme ground, that slavery should not be extended to or permitted to exist in any part of the new territory. This sentiment was very speedily adopted in nearly every section of the Northern States, and the party known as the Free Soil party sprang into existence, and the work commenced, which resulted in the Buffalo National Free Soil Convention of which I promised to say something this evening.

But before calling your attention to this Convention I find it is quite necessary to refer to the action of that portion of the Democratic party in this State which was known as the Loco Focos or Barnburners.

At the regular State Convention of the Democratic party held in September, 1847, the question as to the extension of slavery became the great disturbing element and resulted in breaking up the Convention. The firebrand which was the occasion of the rupture consisted of a resolution offered by James C. Smith, now one of the most eminent of the judges of the Supreme Court, which was in these words:

*Resolved*, That while the Democracy of New York represented in this Convention will faithfully adhere to all the compromises of the Constitution, and maintain all the reserved rights of the States, they declare, since the crisis has arrived when that question must be met, their uncompromising hostility to the extension of slavery into territory now free which may be acquired by any action of the Government of the United States.

The Convention refused to entertain this resolution, the Barnburners bolted, and immediately called a mass Convention to be held at Herkimer on the 26th of October, when this section of the Democratic party committed themselves fully to the doctrines of opposition to the extension of slavery.

This mass Convention was composed of some of the most prominent members of the Democratic party, among whom were John Van Buren, Samuel J. Tilden, Martin Grover, David Dudley Field, Lucius Robinson, James R. Doolittle, Isaac Sherman, James W. Nye, Abijah Mann, Preston King, John Ganson, James S. Wadsworth, George P. Barker, George Rathbun, and many others whose names are as familiar as household words in all political circles.

Of all the men there present, distinguished as they were for talent and influence, John Van Buren was perhaps the most conspicuous. He then held the office of Attorney General of this State, and had been for a number of years a favorite with the younger members of the Democratic party. He was familiarly known throughout the State as "Prince John" and was everywhere recognized as the very prince of good fellows. He was then thirty-five years of age, six feet high, and well proportioned and in form and feature almost the perfection of manly beauty. As a stump speaker I doubt if his equal was to be found in this State or elsewhere.

His oratory was peculiar, and such as never failed to gain the attention of his audience. He could pass from "grave to gay, from lively to severe," and in each transition pursue the steady path of argument. His speech at the Herkimer convention was a remarkable manifestation of his talents. Addressing the multitude as "fellow Democrats and fellow traitors," he proceeded to a discussion of the questions of the day in a speech which attracted attention in all parts of the country as a most triumphant vindication of the principles and policy of the Free Soil party. I shall not attempt to make any lengthy citations from this effort. I am sure, however, you will pardon me the quotation of two or three passages. Referring to the assaults which had been made upon the Democrats who had taken part in the opposition to the extension of slavery in Congress, and by several editors of leading journals, Mr. Van Buren said :

In my humble judgment these men have not duly reflected upon the vital importance in all its bearings of the question of extending slavery. It reached above and beyond the party divisions of the day. The time has come for every true Democrat to lift his eyes from the tow-path of party and look out on the ocean of freedom. He should lay aside his Democratic jewsharp and listen to the notes of the bugle of liberty. He should drop his party pop-gun and harken to the cheers of millions of energetic and independent men conquering a country and planting upon it a nation of freemen. Acting thus, these editors would exhibit an elevation of purpose and dignity of intellect qualifying them to lecture the Democrats of New York.

Referring to the Southern argument that there was no power in Congress to prevent the introduction of slavery into new territory, Mr. Van Buren said the argument was unworthy of serious refutation. "We have," said he, "followed the Southern lights to the verge of the Constitution. If we pursue these will-o'-the-wisps further we are in danger of being mired and irrevocably lost." For himself, he should rather be governed by the light of civilization, by the light of humanity, the light of freedom, in a word, if he "might be pardoned the figure, by the northern lights."

Among other things, Mr. Van Buren found it necessary to repel the imputation that the Free-Soil movement was made in the interests of the Whig party. He would not, he said, abandon a position which he knew to be just, because Whigs saw fit to flock to the same standard, any more than he would fly from the fire of the Mexicans because he saw a Whig reinforcement wheeling with his line :

It is folly to deny that now, as in previous contests, gallant men from among our political opponents are rushing to the defence of the country, mingling their blood and laying down their lives with Democrats.

The honors of Buena Vista were shared as well by the Whig Taylor as the Democrat Wool; the accomplished Whigs Cadwallader and Patterson and the true Democrats and gallant officers, Shields, Pierce and Temple, were equally ornaments of the army. The conquest of the City of Mexico conferred glory alike on the Whig Scott and the Democrat Worth. "Go," said Van Buren, "to Yorktown and Saratoga, Chippewa and Lundy's Lane, and examine the bloody heights of Monterey and the crimson fields of Churubusco and Mexico," and he imagined a

careful analysis would detect in each and all of these consecrated battle-grounds some spots of pure Whig blood. The courageous Whigs, Ringgold and Butler, perished in the campaign with the lamented Democrats, Morris and Van Olinda. Side by side with the devoted Democrats Tell and Hardin, fell the distinguished Clay, and *he* must forget his patriotism, and shrink craven-like from the assertion of truth, who, in face of these facts, claimed for the Democrats the entire glory of defending the country and its honor in contests with foreign foes.

Of the proceedings of the assemblage my limits allow of only a very brief reference. It is sufficient to say that opposition to the extension of slavery was adopted as the cardinal doctrine of their political faith, unanimously agreeing to a resolution that "free white labor cannot thrive on the same soil with slave labor and that it would be neither right nor just to devote new territories to the slave labor of a part of the States to the exclusion of the free labor of all the States."

The Free-Soil movement thus inaugurated and organized by the Barnburners of New York spread to other States and became a very important element in all political movements and combinations. The movement was very generally discountenanced by the leaders and managers of the two great parties, but the spirit of freedom was thoroughly aroused and "would not down at their bidding."

The year following, the memorable 1848, was big with the fate of politicians in general, and particularly so of that of all the aspirants for the Presidency. Then, as had been the case for many years, the main object was to select candidates who would be acceptable to the South, who of necessity, must be sound on the all-absorbing question.

General Lewis Cass of Michigan received the nomination from the Democrats while General Zachery Taylor was placed in nomination by the Whig convention, both parties ignoring their old and cherished leaders and representative men and selecting candidates solely on the ground of their supposed availability.

Throughout the Northern and Western States these nominations were very violently assailed and denounced by the opponents of slavery extension. Whigs and Democrats alike insisted

that they were not "fit to be made" and such as they could not and would not support. They claimed that the moral sentiment throughout the North and West was left without a representative and that as to the political elements of the Nation "chaos had come again."

Mass meetings were held in every direction calling upon all lovers of freedom to unite in an extended organization upon the great principles of truth and equity.

Finally a National mass convention was called to meet at Buffalo on the 9th of August to give united expression to their views and sentiments and to nominate candidates for President and Vice-President. Under this call large numbers of people assembled at the Court House Park, in this city, on the day appointed, all of the free and three of the slave States being fully represented.

In point of numbers it was probably the largest collection of individuals which had ever assembled in this country, it being estimated at the time that at least forty thousand people were present at the opening of the convention. The majority of these delegates had come from great distances and from different sections of the Union. The genuine down-easter from the region of sunrise clasped the hand of his brother Free-Soiler who had journeyed from the jumping-off place in the "far West," while the Northern mudsill encountered for the first time in his life the resident of the more genial climates of Maryland and Virginia. Taken all in all, very few of us will ever look upon the like of such a collection and aggregation of individuals.

With the exception of the most perfect harmony upon the one question of Free Soil, the convention probably represented a greater variety of views and sentiments upon every other question that had ever met upon common ground upon any occasion. The advocates of free trade found themselves side by side with the champions of a high tariff and protection, hard-money Democrats and the advocates of paper money and a "rag currency"; the bank men and anti-bank men, the sub-Treasury advocates; to say nothing of the general mixture of Loco Focos, Barnburners, extreme Whigs and half-way Whigs; who forgot for the moment all their old controversies and united in their common opposition to the extension of slavery.

Notwithstanding all these incongruous elements I venture to say that in point of character, intellect and talent this convention has never been surpassed by any assemblage of an equal number of individuals.

Actuated by a common purpose, and with a very intelligent understanding of what they desired to accomplish, every man felt and acted as if he had a direct personal interest in whatever might be said or done. The great middle class were by far the most prominent element, and as they made their appearance in our city, coming almost directly from their farms and workshops, very many of them in their everyday working dresses, as the exponents and representatives of the new party and the new movement which was to overthrow all the existing political organizations, they attracted almost the same degree of attention as would have been bestowed upon an equal number of barbarians or Chinese who might have made their appearance in our streets.

As a specimen of the newspaper comments of the day I will give a single paragraph from the *Commercial Advertiser* of August 9th:

Among the delegates to the Convention in this city are some of the oddest looking chaps that were ever seen. Some of them, about as verdant as a stripling just escaped from his maternal apron-strings, while others look as if they could face a roaring, rampant buffalo without being in the least intimidated. Hats of all shapes and sizes from the lofty bell-crown, and majestic sugar loaf, to the squatty rimless and insignificant tub shape are sported on this occasion. A few have whiskers and mustachios, but most of them are divested of these appendages. Coats that look as if every tailor in the country had struck out a new and original idea for himself and which designate the wearer's particular views with more expression than any of the owner's faces may also be seen. Unmentionables, varying from the liberal bag-seat to the scrumpy skin-tight, with legs both short and long without particular reference to the requirements of the wearer, help, in connection with the neat, tidy, and fashionably appareled, to make up the variety. Every man of them has the welfare of his country at heart of course, and seems to imagine he is the particular individual on whom the entire responsibility of the whole farce rests.

While there may have been "more truth than poetry" in this description as applied to perhaps a majority it must not be understood that all of the persons in attendance were included in this description. On the contrary the convention was largely composed of men conspicuous for their refinement, cultivation

and scholarly attainments. It is only necessary to mention the names of such men as Charles Francis Adams, Samuel J. Tilden, Benjamin F. Butler of New York (whose name is not to be confounded with General Butler of Massachusetts, who has since played so conspicuous a part in public affairs), Preston King, Isaac P. Christiancy, Joseph L. White, R. H. Dana, Jr., Ward Hunt, Lyman Tremain, Noah Davis, Sanford E. Church, Salmon P. Chase, James S. Wadsworth, John Ganson. These names I have selected at random from among those who took an active part in the proceedings, to satisfy my hearers that there was no want of intelligence and intellectual power in this body of assembled citizens.

It was, however, utterly unlike all other National conventions which had ever been held.

In the first place, there were no leaders, no wire-pulling, no pipe-laying, no jealousies, distrusts, quarrels, or intrigues, either as to who should receive the honor of a nomination, or as to anything else. The great multitude had congregated here in Buffalo by a sort of spontaneous impulse without anything like defined notions, not only as to what was to be done, or how or in what manner the result was to be accomplished. The assemblage in short was a

“mighty maze  
And all without a plan,”

ignoring everything else but most intensely harmonious and unanimous upon the great question which had called them together.

So far as there were consultations or conferences at all they took place at the Mansion House which seemed to be regarded by common consent as the headquarters of many of the most conspicuous individuals in attendance. Our old friend, Philip Dorsheimer, the proprietor, had the advantage over almost everyone else in Buffalo of an acquaintance with all the leading men in the country, numbering, as I happen to know, among his personal friends, Salmon P. Chase, Joshua R. Giddings, Preston King, John Van Buren, Martin Grover, Benjamin F. Butler, James S. Wadsworth of Geneseo, besides many others of the men who had already become identified with the Free Soil movement.

It was understood that at one of the Mansion House meetings a plan had been arranged for organizing the convention, and accordingly at 12 o'clock on the 9th of August the masses assembled in the Court House Park and the convention was organized by the election of Nathaniel Sawyer of Ohio as chairman pro tem.

Such a spectacle as this convention presented had never before been witnessed in the whole history of the Government. Forty thousand men of every political order and religious sect, combining more intellectual and moral power than was ever gathered in a political mass meeting, were here assembled, acting with the most marked decorum and harmony. I have not the time, nor would you have the patience, to listen to a detailed account of the proceedings as they took place from day to day for three days, holding evening sessions often until long past midnight.

All its sessions were opened with prayer, and at an early hour of each day, thousands gathered specially to ask the Divine blessing on its deliberations.

Charles Francis Adams of Massachusetts was made the permanent chairman, and with the appointment of nineteen vice-presidents and seven secretaries the organization was completed.

Then followed the appointment of a committee of fifty-five with Benjamin F. Butler as chairman, as a committee on resolutions and also a conference committee to report the names of suitable candidates for President and Vice-President. While these committees were preparing their work, time was occupied with making and hearing speeches and the singing of political songs. I venture to quote a few verses from one that was received with great favor :

O what a mighty gathering  
From the old free states,  
Of the friends of freedom  
And the tillers of the soil.

We'll not vote for Cass or Taylor  
In the old free states;  
We're the friends of freedom  
And our motto is Free Soil.



Heaven bless the brave Barnburners  
 In the old Empire State,  
 For their fires of freedom  
 Are lighting up the land.

And the old Whig party's rotten,  
 Yes the old Whig party's rotten,  
 All that's left is damaged cotton,  
 In the old free states.  
 But freedom's fires are burning  
 And will soon clear out Free Soil.

Then three cheers altogether,  
 Let the people shout forever—  
 Freeman's hearts none can sever,  
 In the old free states.

The resolutions or platform which was adopted, was a most able and eloquent expression and vindication of the principles and the motives of the convention. Two of the resolutions were as follows :

*Resolved*, That we accept the issue which the slave power has forced upon us—and to this demand for more slave states and more slave territories our calm and final answer is "No more slave states and no slave territory. Let the soil of our extensive domains be ever kept free for the hardy pioneers of our own land and for the oppressed and famished of other lands seeking homes of comfort and fields of enterprise in the New World."

*Resolved*, That we inscribe on our own banner Free Soil, Free Speech, Free Labor and Free Men, and under it will fight on and fight ever until a triumphant victory shall reward our efforts.

After numerous speeches and song-singing to an almost unlimited extent, the conference committee made their report and recommended the nomination of Martin Van Buren for President and Charles Frances Adams for Vice-President. The announcement was received with the most enthusiastic demonstrations. Hats, banners and handkerchiefs were waved, cheer followed cheer, and the nominations were immediately unanimously adopted, and after another day spent in listening to speech-making and song-singing, the convention adjourned without date.

I am very conscious that this paper may be regarded as quite imperfect and unsatisfactory by reason of the omission to give some account or sketch of the individuals who were conspicuous

on the occasion. But my limits will not permit. I must content myself with the general statement that among the delegates were to be found very many of the leading and time-honored members of the Democratic party, who had been its representatives and standard-bearers in the councils of the Nation and in all questions of State or local politics, while the old Whig party was represented by men who were known and honored throughout the length and breadth of the land as patriots and statesmen, and who, in the service of their country, had won honorable distinction and renown. Of these men, Joseph L. White, then a resident of the City of New York, but who had for many years been a distinguished Member of Congress from the State of Indiana, was conspicuous. His speech, delivered at the midnight session following the nominations, attracted much attention from the vigor of his assaults and his somewhat vehement denunciations of his late associates. A single extract I will venture to give :

MR. CHAIRMAN AND FELLOW CITIZENS :—I find myself, for the first time since I arrived at the years of maturity, acting politically with strange men, but not standing upon strange ground. Born and bred in the Whig faith, my earliest attachments were for the Whig cause and for Whig principles, and I am proud to say, I still feel yearnings for my early love, and shall only abandon them with my latest breath. But I am here because I find in the platform of principles laid down by this great convention, the ground upon which, as a man of Northern birth and Northern education, but of National views, I have always stood, and by the blessings of God, shall ever continue to stand. Up to the period of the Philadelphia convention, it was the pride as well as the pleasure of your speaker, to act with that great, respectable and distinguished party, with what I conceived to be a still greater—still more distinguished—still more respectable—head, the man that I conceived to be not only the man of our party, but the man of the world, but who, by the foulest treachery of pretended friends has recently, by the Philadelphia convention, been tossed together with Whig principles, and the obligation of gratitude and personal honor, into one common grave. And since that period, I have felt that the Whig party as such, has abandoned its organization—that its principles have been discarded, and that that portion of them who assembled to perpetuate that work of infamy, have recorded to the world their determination to fight, henceforth and forever, as a band of guerrillas, devoid of all the obligations of gratitude—caring not for the welfare of the land that gave them birth—casting off all ties of patriotism and honor, for the mere spoils of party and plunder of office.

The gratitude of the Whig party and the affections of the Whig party all

pointed to one man beyond the Alleghanies. There rose and set the very sun of the party. To him all the affections of his party were directed by a confiding constituency. Yet when it was discovered that Henry Clay had proclaimed no more slavery territory, even he, the man that in youth and riper age they had been taught almost to deify, they were found ready to sacrifice on the altar of their institutions, and they took up and presented for the suffrages of the Whig party of this Union, what I have denominated a living insult to the intelligence of its members.

I do not know Martin Van Buren in this contest. All I know is that circumstances have placed him in the van as the leader of freedom's hosts, and while he is there, and I am actuated by the sentiment of eternal hostility to the slave power, I am nothing but a private in the army, bound to fight for the common cause. [Great applause.] So much for this candidate, and as for the other, I cannot separate him from his father [applause], and when I cast my vote for him I shall see standing side by side the substance of the son and the spirit of the father. [Applause.] All are merged now in one common party. ["Name it!"] It is the "Free-Soil Party." [Great applause.] All past predilections and prejudices are to be forgotten. Here upon the altar of our country's truth they must be sacrificed. My attachment to this party is the result of circumstances and not of choice.

When the Whig party was dissolved by the action of the Philadelphia convention, I was forced to turn my attention elsewhere. When they sacrificed that noble heart upon the altar of despotism, I felt the time for action had arrived. Henry Clay, as long as exalted patriotism, transcendental genius, nobleness of soul, and love of freedom shall command the respect of the minds and sway the impulses of the hearts of men, the name of Henry Clay shall be cherished with love, and admiration and delight. [Enthusiastic applause.]

Next to this now stands him whom I have fought from my earliest youth. That man is Martin Van Buren. [Tremendous cheers.] When I saw this man that I had formerly believed to be timid, cautious and calculating; this man enjoying the universal confidence and affection of the great Democratic party, willing to sacrifice all this personal regard and forfeit all this public confidence and esteem, and plant himself upon the spot where freedom dwelt, and bid defiance to the South; it was a sublime spectacle—it was the poetry of politics—it was the religion of patriotism. [Applause.]

When I saw it, then and there, on that occasion, did I surrender up all personal prejudices against that man. [Applause.] I say, fellow citizens, that a man like this deserves the favor, the support, the honorable mention of every lover of liberty in this and other lands. ["Yes, yes, he does!"] And that we may be able hereafter to reward him with the office to which we are all striving to elevate him, shall ever be the effort, as it is now the prayer, of him who now addresses you.

It is hardly necessary to remind you that in its immediate results the work of this convention was an entire failure, not a

single State having cast its vote in favor of the candidates put in nomination. General Taylor and Mr. Fillmore were elected by considerable majorities, and the Whig party once more came into power.

Judging from mere surface indications, the new Free-Soil party had accomplished absolutely nothing, except possibly the defeat of General Cass, a Northern man by birth and education and whose interests were all identified with the prosperity of that section of the Union, and in his place elevating to the Presidency, General Taylor, the largest slave-holder in the Union, whose interests and sympathies were all with the principles and policy of the opposite section.

But the work and mission of the Free-Soil party had not been accomplished. It was destined to no such short-lived existence. In fact the real fight had just commenced.

Almost immediately upon the organization of the new administration, the conflict was renewed in the House of Representatives and in the Senate over the admission of Oregon and California. The details of this controversy do not come within the limits of anything I have proposed to discuss in this paper. It is sufficient for my purposes to say that in the end, the principles of the Buffalo convention were triumphant and as a result the 650,000 square miles of territory acquired from Mexico became forever free. The new territory which the South claimed as a lawful prize for which they had consented to if they did not inaugurate the scheme for the annexation of Texas and the war with Mexico, was from them

“Wrenched by an unlineal hand, no son of theirs succeeding.”

The events which during the fifteen years following the close of the Mexican War, of such momentous importance, are too fresh in your minds and recollections to require any discussion or even mention. Beginning with the great Compromise measures, of which the memorable Fugitive Slave Law was a prominent feature, and the struggles with regard to Nebraska and Kansas, from which the name of John Brown became familiar, and coming down to the election of Abraham Lincoln and the war for the Union which followed, we are able to recognize at every step the work which was so well begun in this good City of Buffalo at the convention in the month of August, 1848.

DEVELOPMENT OF  
CONSTITUTIONAL LAW IN NEW  
YORK STATE

AND THE CONSTITUTIONAL CONVENTION OF 1894.

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READ BEFORE THE SOCIETY, APRIL 13, 1896.

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BY HON. HENRY WAYLAND HILL,  
Of the Buffalo Bar, and Member of the New York Constitutional  
Convention of 1894.

The development of civil institutions in the territory now comprised within the State of New York, from 1609 to the present time, under three successive sovereign powers, must be traced through four different forms of government. These were: (1) The government of the Dutch West India Company, a commercial corporation, in subordination to the paramount sovereignty of the States-General of Holland, which from 1623 to 1664 exercised local sovereignty through a Director-General and a Council of not exceeding five members of his appointment with the approval of the company, under restrictions contained in a charter granted by the States-General, and also under instructions and ordinances issued by the same company. (2) The Proprietary government under the Duke of York, extending from 1664 to 1685, and the Royal government, extending from 1685 to April 19, 1775, these two latter under the Crown, being considered as one government. (3) The Provincial government from April 19, 1775, to the latter part of 1777, when the State government was instituted; and (4), the State govern-

ment from 1777 to the present time. An outline of these four forms of government and the development of civil institutions under them, is all that time will permit us to consider on this occasion.

During the first period, the Director-General and his Council exercised local and limited executive, legislative and judicial powers, subject to the right of appeal to the States-General, wherein ultimate sovereignty resided. On many occasions, the inhabitants of New Netherland exercised such right of appeal and brought about the recall of tyrannical officials. The primitive condition of the people and the absence of conflict of property or other rights, for the first few years did not necessitate much legislative or judicial action. It will not be inferred, however, that the settlers in New Netherland were without a body of laws. Such was not the case. They brought with them the Roman-Dutch laws of the Fatherland, or the *corpus juris civilis*, as modified by the statutes, customs and usages of Holland.

This adds to the study of our civil institutions an interest not found in the study of the civil institutions in any other of the Thirteen Colonies. Nowhere else on American soil may be found in operation during our Colonial Period the principles of the free institutions of the Teutonic Nations.

One writer has said that "long before the founding of the colony, the inhabitants of the cities and of many communes, or townships, in the Fatherland, had acquired a good degree of independence, both municipal and personal, and had come into the settled enjoyment of various definite and important political rights. Among these was the privilege of choosing annually a certain number of persons from whom the central government selected the local magistrates or schepens."

These elements of popular government were transplanted in New Netherland and gradually manifested themselves in its town, municipal and county governments. Many other "elements of a sound and expansive polity" were brought from the Fatherland and incorporated into the fabric of the government of New Netherland. The Dutch ground briefs were adopted and have frequently been regarded as valid titles. [See Denton

vs. Jackson 2 John, Ch. 324; 2 Wend. 110.] Although lands were theoretically holden of the company, all small holdings were allodial and the manors of the province were essentially feudal tenures. A system of servitudes, derived from the Roman law, obtained in various parts of the colony. Highways laid out between the villages of New Netherland were essentially Roman roads, governed by the principles of the civil, rather than of the common law, as was decided by our Court of Appeals in the case of Dunham vs. Williams. [37 N. Y. 251.] The same had been held true in regard to inheritances and the devolution of property [Van Giessen vs. Bridgford 18 Hun, 80, 83 N.Y. 348], and in regard to domestic relations and riparian rights. [The Canal Appraisers vs. the People 17 Wend 590 and 33 N. Y. 461.] For half a century, from 1614 to 1664, the Roman-Dutch Law was essentially the law of the land and all the affairs of the colony were regulated thereby. In many respects the laws, customs and usages of the Netherlands were far in advance of those of other countries. A large degree of civil and religious liberty was tolerated there, so that it became an asylum for the oppressed of other lands. Its institutions were reared on a liberal, progressive basis, and its people were tolerant, frugal and honest. It is said that "since 1477 Holland maintained the principle that 'Taxation and Representation are inseparable.' "

This principle was asserted in the "Charter of Liberties" of 1683 and adopted nearly one hundred years later in the American Declaration that "taxation without representation is tyranny." The freemen of New Netherland, who had enjoyed the privileges of the Fatherland, were therefore opposed to any such restrictions as were sought to be imposed by the Patroons, acting as feudal seigniors, with extraordinary administrative powers. This system was intended to promote the settlement of the province, but in operation it proved to be a relic or species of feudalism, and repugnant to the interests of the settlers. They were also opposed to the invasion of their rights by the Director-General and his Council and secured the recall of the first three Directors of the Province for abuse of power.

Under the "Charter of Freedom and Exemptions" of 1629, the colonists were relieved from the payment of taxes imposed and assessments for ten years, and private or individual ownership was permitted in lands, subject to assignment by the Director-General and his Council.

This was an inducement to prospective freeholders to locate in the Province. Local government did not develop very rapidly in the Colony, but the freeholders kept up the struggle for it against all the powers of the Director-General and his Council. In 1660 New Amsterdam was for the first time permitted to designate its sheriff. Still, during the Dutch rule, the people were not wholly dominated by the Director-General and his Council. Representatives of the people met from time to time to protest against acts of usurpation, out of which finally was organized the Assembly.

Although it might be interesting to trace the development of legislative bodies from the Greek Ecclesia and the Roman Comitia down through the German Popular Assemblies, described by Tacitus, and English Folkmoots to the origin of the House of Commons in the reign of Henry III. (A. D. 1216-1272), suffice it to say, that the genesis of our State Assembly may be traced, either to the "Twelve Men," appointed in 1641 at the suggestion of Director-General Kieft, by the freemen of New Amsterdam at the first popular meeting ever held in New Netherland "to aid in the management of the affairs of the Colony," or to the "Eight Men," summoned in 1643 by the same Director-General and approved by twenty-eight freemen to consider the critical circumstances of the country; or possibly to the "Nine Men," selected by Director-General Potrus Stuyvesant, on September 25, 1647, from the eighteen men elected by the freemen of New Netherland, who were known as "interlocutors and trustees of the Commonalty," or "tribunes" of the people, and who were to hold courts of arbitration weekly, advise the Director-General, and, as a legislative body, to pass upon all matters of taxation. Thus was conceded the principle of representation in the government of the Colony.



A body, known as "the Tribunal of Well-Born Men," with both civil and criminal jurisdiction, is said "to have existed for centuries in the Netherlands." It has been said that "the Dutch Administration in the New York Colony, under the original and supplemental commissions, partook of the character of the government in the Netherlands, which was a combination of the Roman parental with the German popular system of administration." It is affirmed that "for many generations the towns and villages of the Fatherland had been accustomed to the government of magistrates elected by their fellow-citizens." Such a system was well adapted to the wants of the people, and as early as 1650, the General Assembly of the United Netherlands made important concessions that tended to advance popular government in the New York Colony, in compliance with the demands of the "Nine Men."

The provisional order of 1650 contained the following: "XVII. And within the city of New Amsterdam shall be erected a burgher government, consisting of a sheriff, two burgomasters and five schepens (but these were to be appointed, not elected). XVIII. In the meantime shall the Nine Men continue for three years longer and have jurisdiction over small causes arising between man and man, to decide definitively such as do not exceed the sum of fifty guilders, and on higher with the privilege of appeal." [1 Doc. Hist. N. Y., 387.] On April 4, 1652, the directors of the West India Company granted permission "to erect a Court of Justice, formed as much as possible after the custom of Amsterdam, and to choose one sheriff, two burgomasters and five schepens, from all of whose judgments an appeal shall lie to the Supreme Council, where definite judgment shall be decreed." [1 Doc. Hist. N. Y., 387.] In February, 1653, New Amsterdam was formally organized as a municipality, with a schout, two burgomasters and five schepens. The Court of Burgomasters and Schepens was transformed into the Mayor's Court under the English, and afterwards into the Court of Common Pleas of New York. This was merged into the Supreme Court by the Revised Constitution. The Burgher Government of schout, burgomasters and schepens of New Amsterdam was abolished by the Nicolls Charter of 1665, and

in its place was instituted a government under the name and style of mayor, alderman, and sheriff, according to the custom of England. [1 Doc. Hist. N. Y., 389,] The powers of Burgher Government are enumerated in the Colve Charter of 1674. [1 Doc. Hist. N. Y., 392.] During the Dutch period the "Nine Men" continued to exercise important provincial functions and was the guardian and promoter of civil and religious liberty in the colony. It frequently prevented the Director-General from imposing burdensome exactions upon the Colony, in violation of the terms of provincial commissions and of the privileges, customs and laws of the Netherlands, where liberal ideas, honest maxims, and homely virtues generally prevailed.

A very important popular convention assembled in December, 1653, to protest against the encroachment of Director Stuyvesant and declared that

it is contrary to the first intentions and genuine principles of every well-regulated Government, that one or more men should arrogate to themselves the exclusive power to dispose at will of the life and property of any individual, and this by virtue, or under pretense, of a law or order which he might fabricate without the consent, knowledge or approbation of the whole body, their agents or representatives. Hence the enactment, in manner aforesaid of new laws, affecting the commonalty, their lives and property, which is contrary to the granted privileges of the Netherlands Government, and odious to every free-born man, and principally so to those whom God has placed under a free State, in newly-settled lands, who are entitled to claim laws not transcending but resembling, as near as possible, those of Netherland. We humbly submit that it is one of our privileges that our consent, or that of our representatives, is necessarily required in the enactment of such laws and orders.

Stuyvesant's answer was that "Directors will never make themselves responsible to subjects, and the old laws will remain in force." The convention responded that by the law of nature all men may associate and convene together for the purpose of protecting their liberty and their property.

The conflict between the Director-General and the representatives of the people grew sharper as time went on and materially developed the principles of popular government in the colony. The union of Roman paternalism and German popularism as modified by Dutch privileges and customs formed the basis upon

which the grand structure of the Empire State was reared. One historian\* has said that

without underrating others, it may confidently be claimed that to no nation in the world is the Republic of the West more indebted than to the United Provinces for the idea of the confederation of states, for noble principles of constitutional freedom, for magnanimous sentiments of religious toleration, for characteristic sympathy with the subjects of oppression, for liberal doctrines in trade and commerce, for illustrious patterns of private integrity and public virtue, and for generous and timely aid in the establishment of independence. Nowhere among the people of the United States can any be found excelling in honesty, industry, courtesy or accomplishments the posterity of the early Dutch settlers in New Netherland.

Still it will be remembered that "negro slavery was introduced by the Dutch" and that "the Dutch Reformed Church was the only one publicly sanctioned," and that although "representative government was recognized, it savored much of the English idea" as found in some of the other colonies. In some respects the province was not abreast of the civilization of the New England Colonies, although its inhabitants, numbering about ten thousand souls, enjoyed a fair degree of self-government and were protected in the matter of assessment and taxation. After the conquest of the colony by the English in 1664, and the promulgation of the Duke's laws in 1665, and the permanent right of control of the colony by the English, which was secured by the Treaty of Westminster in 1674, the system of jurisprudence, borrowed from the high civilization of Rome, as well as the principles of civil and religious freedom, which had been maintained by the Dutch, still existed and it is impossible to determine absolutely how far they were superceded by English laws and institutions.

It was agreed that "the Dutch should enjoy their own customs concerning their inheritances" in the terms of treaty whereby the States-General gave up control of the Colonial territory, but the English law of primogeniture was soon introduced and enforced. Upon the Colonial introduction theory, it has been stated that the common law and other principles of the British system might properly be introduced, and they were put into operation. Mr. Benjamin F. Butler epitomized the government under the Crown as follows :

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\*Brodhead, Hist. of N. Y., Vol. I. p. 747.

The Colonial Government, as settled in 1691, and as substantially continued until the Revolution of 1776, was vested in a Governor, appointed by the King's Commission and holding at his pleasure a council, consisting at first of seven, but afterwards increased to twelve members, and a General Assembly, chosen by the freeholders of the several counties. No formal charter, like those held by the New England Colonies, having ever been granted to the inhabitants of New York, and the act of religious toleration to Protestants of 1691, having been rejected by the King, it was the theory of the Governors and their superiors that all the immunities enjoyed by the people not only flowed from, but were absolutely dependent on the grace and will of the Crown.

Popular rights, however, were not promoted, but to a considerable extent, disregarded by the Royal Governors, and it became incumbent on the people, whenever an occasion presented itself, to assert in assembly their natural and inherent rights irrespective of grants and prescriptions.

The first General Assembly of the Province of New York, composed of ten councillors and seventeen representatives of the people, met at the City Hall in New York on October 17, 1683, and remained in session three weeks and passed fourteen acts, the first of which was entitled "The Charter of Liberties and Privileges granted by His Royal Highness to the Inhabitants of New York and its Independencies."

It declared that the supreme legislative power should ever be and reside in the Governor, Council and people, met in General Assembly; that every freeholder and freeman should be allowed to vote for representatives without restraint; that no freeman should suffer but by judgment of his peers; that all trials should be by a jury of twelve men; that no tax should be assessed on any pretence whatever, but by the consent of the Assembly; that no seaman or soldier should be quartered on the inhabitants against their will; that no martial law should exist, and that no person professing faith in God, by Jesus Christ, should at any time be anywise disquieted or questioned for any difference of opinion.\*

This Charter of Liberties has been said to contain the Roman legislative system rather than the Saxon, in that it recognizes the possession of power by the executive, his councillors and the people, as did the Roman system. It was signed by Governor Dongan, but disallowed by the King. It will be observed that this charter contained many of the principles that are found in the first State Constitution.

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\*Lossing's "Empire State," p. 97.

Various other General Assemblies met from time to time in the colony. From 1691 to 1716 they convened biennially. That which assembled in 1716 continued for ten years. From 1726 to 1737 there were four General Assemblies. Thereafter General Assemblies until 1743 met biennially, and from 1743 to the Revolution they continued for seven years. The last General Assembly under the Crown adjourned *sine die* on April 3, 1775, and the battle of Lexington followed on April 19, 1775, which terminated all allegiance to the Crown of England. Occasionally these assemblies were prorogued and sometimes dissolved by the Governors of the Colony, who usually represented the spirit of the English Monarchy. King James II. rejected the Charter of Liberties, took away legislative power from the people and conferred it upon Governor Dongan and Council in 1686 to be exercised agreeably to the "laws and statutes of England."

Frequent conflicts occurred, but the Assembly was organized under Leisler, and permanently restored in 1691 by William and Mary in the commission to Governor Sloughter and thereafter the principle of representative government was recognized. The Assembly boldly asserted the sovereign rights of the people. To its firm stand, though not possessing the omnipotence of Parliament and subordinate to the Council and the Crown, may be attributed the steady growth of civil and religious freedom and the establishment of representative government in New York.

Judicial tribunals were established in the province as follows: The Duke's Laws of 1665 recognized the difference between cases in equity and at law. By an Act of Assembly in 1683, a Court of Chancery was created, whose jurisdiction was modified by the Act of 1691. It was, however, re-established by an ordinance in 1701, which authorized the Governor and Council to perform the duties of a Court of Chancery. The Governor and Council also constituted the Court of Errors. It was claimed by the Crown lawyers that the Governor of the province, as the custodian of the great seal, was *ex-officio* Chancellor. The exercise of such extraordinary powers by the Governor, while acting as Chancellor and without the assent of the Assembly, occasioned spirited and far-reaching controversies in the Colony. An Act for establishing Courts of Judicature was passed in 1691.

It provided that Justices of the Peace should have cognizance of all causes, cases of debt and trespasses to the value of forty shillings, and a jury trial was given to either party demanding it. Every city and county was to have a Court of Sessions of the Peace and a Court of Common Pleas. By this same act a Supreme Court was established with jurisdiction similar to that of the Courts of King's Bench, Common Pleas and Exchequer in England. It had supervisory and appellate jurisdiction over other inferior law courts. By implication it repealed the Act of 1683, creating courts of Oyer and Terminer. Probate Courts were established in 1692. It has been stated that owing to the expiration of the Judiciary Act of 1691 in 1699, thenceforth the entire judicial establishment of the province was continued by ordinances, promulgated by virtue of the reserved powers of the Crown to erect courts of law and equity, found in the commission to Sloughter.

In the case of *Crosby vs. Van Dam*, the Supreme Court decided that it possessed equity jurisdiction, analagous to that of the Court of Exchequer [See 4 Doc. Hist. N. Y., 629-633], but it did not continue to exercise it. In *Forsey vs. Cunningham*, it is asserted that the Supreme Court of the province of New York proceeded according to the practice of the Courts at Westminster, and according to the common law as modified by Acts of the Assembly of the Colony, although fragments of the Dutch law remained and must have been recognized by the Courts. Practice in cases on appeal had not been settled and the rights of persons charged with criminal offenses occasioned profound discussion as to the powers of existing civil institutions. The conflicts which followed and the controversies ranging over three-quarters of a century, between the people and the Crown, prepared the Colony for the Revolution and the assumption and responsibilities of an independent government. [See 4 Doc. Hist. N.Y., 627-639.]

On May 10, 1776, the Continental Congress resolved that it be recommended to the several Assemblies and Conventions of the United States Colonies, where no government sufficient to the exigencies of their affairs hath hitherto been established, to adopt such a government as shall in the opinion of the Representatives of the people best conduce to the happiness and safety of their constituents in particular and of America in general.

In conformity therewith, the people of New York elected delegates to a Provincial Congress, which assembled in July, 1776, at White Plains, for the purpose of exercising governmental powers, until such time as the State Government were established. On August 1, 1776, this Provincial Congress appointed a committee to draft a State Constitution. Such committee consisted of John Jay, its chairman, John Sloss Hobart, William Smith, William Duer, Gouverneur Morris, Robert R. Livingston, John Broome, John Martin Scott, Abraham Yates, Jr., Henry Winner, Samuel Townsend, Charles DeWitt and Robert Yates. Nearly all of these were then or thereafter distinguished for important public services. The powers of government were exercised by the Provincial Congress and through a Council of Safety, consisting of fifteen. Bold and independent resolutions were passed by this Provincial Congress, and it is stated that by reason of these and the pivotal position of New York, affairs were in a more critical condition in New York than in Massachusetts. The courage and patriotism of John Jay and Gouverneur Morris at this eventful period were not excelled by those of the Massachusetts patriots, and their services to their country were equally potent.

It has been said that "the symmetry and clarity of the Constitution of the United States are due to the pen of Gouverneur Morris," and John Jay, the first Chief Justice of the Supreme Court of the United States, first gave it judicial construction. At the time the committee, of which Mr. Jay was chairman, began its labors, there was no written Constitution in this province. *Apriori* Constitution-building has been attended with ill success.

The historical development of Constitutional law, while in some instances oppressive and inelastic to reformatory measures, in the progress of civilization, has been adopted by the most progressive and stable nations of the world. The loss of liberty in Greece and in the Italian Republics may be ascribed to the lack of conservatism.

In speaking of the English Revolution of 1688, Macaulay says: "As our Revolution was a vindication of ancient rights, so it was conducted with strict attention to ancient formalities. In

almost every word and act may be discerned a profound reverence for the past." And the English Constitution is still vigorous after nearly a thousand years of such transformations as that wrought by the Revolution of 1688.

The last Crown Governor, William Tryon, in 1774, reported to the Lords of Trade, the existing civil institutions in New York to be as follows\*:

By the Grants of this Province and other Territories to the Duke of York in 1663-4 and 1674, the powers of Government were vested in him, and were accordingly exercised by his Governors until he ascended the Throne, when his Rights as Proprietor merged in his Crown, and the Province ceased to be a charter Government. From that time it has been a Royal Government, and in its Constitution nearly resembles that of Great Britain, and the other Royal Governments in America. The Governor is appointed by the King during his Royal Will and pleasure, by Letters Patent, under the Great Seal of Great Britain, with very ample Powers. He has a Council in imitation of His Majesty's Privy Council. This Board, when full, consists of Twelve Members, who are also appointed by the Crown during Will & Pleasure, any three of whom make a quorum. The Province enjoys a Legislative Body, which consists of the Governor as the King's Representative, The Council in the place of the House of Lords, and the Representatives of the People, who are chosen as in England. Of these the City of New York sends four. All the other Counties (except the New Counties of Charlotte & Gloucester, as yet not represented) send two. The Borough of Westchester, the Township of Schenectady, and the three Manors of Rensselaerwyck, Livingston and Cortlandt each send one; in the whole forming a Body of Thirty-one Representatives.

The Governor, by his Commission, is authorized to convene them, with the advice of the Council, and adjourn, prorogue or dissolve the General Assembly, as he shall judge necessary.

This Body has not power to make any Laws repugnant to the Laws and Statutes of Great Britain. All Laws proposed to be made by this Provincial Legislature, pass thro' each of the Houses of Council and Assembly, as Bills do thro' the House of Commons and House of Lords in England, and the Governor has a Negative voice in the making and passing of all such Laws. Every Law so passed is to be transmitted to His Majesty under the Great Seal of the Province, within three months or sooner after the making thereof, and a duplicate by the next conveyance, in order to be approved or disallowed by His Majesty; And if His Majesty shall disallow any such Law and the same is signified to the Governor, under the Royal Sign Manual or by Order of his Majesty's Privy Council, from thenceforth such law becomes utterly void. A law of the Province has limited the duration of the Assembly to seven years.

\*1 Doc. Hist. N. Y., 511.



The Common Law of England is considered as the Fundamental law of the Province, and it is the received Doctrine that all the Statutes (not Local in their Nature, and which can be fitly applied to the circumstances of the Colony) enacted before the Province had a Legislature, are binding upon the Colony, but the Statutes passed since do not affect the Colony, unless by being specially named, such appears to be the Intentions of the British Legislature. The Province has a Court of Chancery, in which the Governor or Commander in chief sits as Chancellor, and the Practice of the Court of Chancery in England is pursued as closely as possible. The officers of this Court consist of a Master of the Rolls, newly created—Two Masters, Two Clerks in Court, A Register, An Examiner, and a Serjeant at Arms. Of the Courts of Common Law, the Chief is called the Supreme Court, the Judges of which have all the powers of the King's Bench, Common Pleas and Exchequer in England. This Court sits once every three months at the City of New York, and the practice therein is modelled upon that of the King's Bench at Westminster. Tho' the judges have the Power of the Court of Exchequer, they never proceed upon the Equity side. The Court has no Officers but one Clerk, and is not organized nor supplied with any officers in that Department of the Exchequer, which in England has the care of the revenue. The judges of the Supreme Court hold their offices during the King's Will and Pleasure, and are Judges of Nisi prius of Course by Act of Assembly, & Annually perform a Circuit through the Counties. The Decisions of this Court in General are final, unless where the Value exceeds £300, Sterling, in which case the subject may be relieved from its errors only by an application to the Governor and Council, and where the Value exceeds £500, Sterling, an appeal lies from the judgment of the latter to His Majesty in Privy Council. By an Act of the Legislature of the Province, suits are prohibited to be brought in the Supreme Court where the Value demanded does not exceed £20, Currency. The Clerk's Office of the Supreme Court has always been held as an Appendage to that of the Secretary of the Province. There is also in each County an Inferior Court of Common Pleas, which has the Cognizance of all actions real, personal & mixed, where the matter in demand is above £5 in value. The practice of these Courts is a mixture between the King's Bench and Common Pleas at Westminster. Their Errors are corrected in the first Instance by Writ of Error brought into the Supreme Court; and the Judges hold their offices during pleasure.—The Clerks of these Courts also hold their offices during pleasure and are appointed by the Governor, except the Clerk of Albany who is appointed under the King's Mandate. Besides these Courts the justices of peace are by Act of Assembly empowered to try all causes to the amount of £5 Currency (except where the Crown is concerned or where the Title of Lands shall come into Question :—and Actions of Slander), but the parties may either of them demand a jury of Six Men. If wrong is done to either party, the person injured may have a Certiorari from the Supreme Court, tho' the remedy is very inadequate. The Courts of Criminal Jurisdiction

are Correspondent to those in England. The Supreme Court exercises it in the City of New York, as the King's Bench does at Westminster. The Judges when they go to the Circuit have a Commission of Oyer and Terminer and General Goal Delivery; and there are Courts of Sessions held by the justices of the peace; the powers of which and their proceedings correspond with the like Courts in England. The Office of Clerk of the Sessions, is invariably connected with that of the Clerk of the Inferior Court of Common Pleas in the respective Counties. By Acts of the Provincial Legislature the Justices of the Peace have an extraordinary Jurisdiction with respect to some offences by which any three Justices (one being of the Quorum), where the offender does not find Bail in forty-eight Hours after being in the Custody of the Constable, may try the party without any\* or a jury, for any offence under the Degree of Grand Larceny; and inflict any punishment for these small offences at their Discretion, so that it exceeds [*qy?* extends] not to Life or Limb. And any three Justices of the Peace (one being of the Quorum) and Five Freeholders have power without a Grand or Petty Jury to proceed against and try in a Summary Way, Slaves offending in certain cases, and punish them even with death. The Duty of His Majesty's Attorney General of the Province is similar to the Duty of that Officer in England, and the Master of the Crown Office. He is appointed by the Crown during Pleasure, and His Majesty has no Solicitor General nor Council in the Province, to assist the Attorney General upon any occasion. There are two other Courts in the Province. The Court of Admiralty which proceeds after the Course of the Civil Law in matters within its Jurisdiction, which has been so enlarged by divers Statutes as to include almost every breach of the Acts of Trade. From this Court an appeal lies to a Superior Court of Admiralty, lately established in North America by Statute; before this Establishment an appeal only lay to the High Court of Admiralty of England. The Prerogative Court concerns itself only in the Probate of wills and in matters relating to the Administration of the Estates of Intestates and in granting Licenses of Marriage. The Governor is properly the Judge of this Court but it has been usual for him to act in general by a Delegate. The Province is at present divided into fourteen Counties, viz:— The City and County of New York; The County of Albany; Richmond (which comprehends the whole of Staten Island); Kings, Queens & Suffolk (which include the whole of Nassau or Long Island); Westchester; Dutchess; Ulster; Orange; Cumberland; Gloucester; Charlotte and Tryon. For each of these Counties a Sheriff and one or more Coroners are appointed by the Governor, who hold their offices during pleasure.

As to the Military power of the Province, the Governor for the time being is the Captain General and Commander in Chief and appoints all the Provincial Military Officers during pleasure.

Some of these institutions were swept away by the Revolution, although the essential principles of the Provincial Govern-

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\*Following break as in original.—ED.

ment, with sovereignty transferred from the Crown to the people, were preserved in the new order of things, that supervened upon the formation of State Government. Basic principles were not wanting in the Colony of New York out of which to construct a form of government. Colonial Law, Provincial Congressional Acts, the great principles of the Common Law, the customs and usages of the people, the civil institutions theretofore created, and their development through a period of more than one hundred and fifty years altogether formed a foundation upon which a system of popular government might be reared. But it required the skill of a master to fuse these basic principles harmoniously, and out of them to forge a new instrument that would prove a stable repository of sovereign powers for government by the people.

.... Sed quis custodiet ipsos  
Custodes?

Wherein were to reside the guarantees of liberty under law? Theretofore popular government had revealed many infirmities and had suffered many lapses, as might be seen in the proceedings of the Long Parliament and more recently in the history of the French National Assemblies. Popular government was regarded by many as an Utopian dream.' The trial made of it in some of the Grecian States and in some of the Swiss Cantons, had not demonstrated conclusively its superiority to other forms of government, consequently it had but few apologists outside of America.

Furthermore, difficulties multiplied as soon as an effort was made to differentiate its executive, legislative and judicial functions. Still the three-fold classification of governmental powers has come down to us from Aristotle, who states in his Politics [Bk. IV., Ch. 14, Jowett's Translation] that

all states have three elements, and the good law-giver has to regard what is expedient for each State. When they are well-ordered, the State is well-ordered, and as they differ from one another, constitutions differ. What is the element first (1) which deliberates about public affairs (legislative); secondly (2) which is concerned with the magistrates and determines what they should be, over whom they should exercise authority, and what should be the mode of electing them (executive); and thirdly (3) which has judicial power? . . . All these powers must be assigned either to all citizens or to some of them.

Montesquieu in his "L'Esprit des Lois" further emphasizes the importance of such separation. The concurrence of opinion of these eminent writers is supplemented by the successful operation for a century of the three-fold division of Federal governmental powers.

But to erect a Republican form of government that should be a secure repository of constitutional liberty and contain a proper distribution of executive, legislative and judicial powers, was an unsolved problem, demanding unusual political sagacity. Mr. Jay, who was a champion of popular rights, was entrusted with the responsibility of preparing the original draft of the first Constitution of the State. This was done in the midst of the American Revolution while the struggle for independence was still undecided. The Provincial Congress, of which Mr. Jay and the other members of the Constitutional Committee were a part, was driven from New York City and held sessions in Harlem, Kingsbridge, White Plains, the Philipse Manor, Fishkill, Poughkeepsie and Kingston.

Great excitement prevailed through the Thirteen Colonies and the important questions of Federal Unity, and the extent of and limitations upon State sovereignty had neither been considered, nor had they then arisen. Accordingly, the first Constitution is silent on many important subjects that have since been provided for, and it treats *in extenso* of the paramount question of the independence of the State from the dominion of the British Crown. It created an Executive, a Legislative and a Judicial Department in our State Government. Its departure from British principles and precedents, however, is less marked than some of the constitutions of other colonies. In some respects it was a compromise with English institutions.

It preserved parts of the Dutch and British systems that theretofore obtained in the colony. In principle it perpetuated the British system of appointment to office, by creating a Council of Appointment consisting of the Governor and four Senators, which was empowered to appoint to office and remove at pleasure nearly all the civil and military officers of the State. It became one of the most gigantic political machines that has ever existed in this State. At one time there were six thousand six

hundred and sixty-three civil offices and eight thousand two hundred and eighty-six military offices at its disposal. The abuses which naturally resulted from the operation of this system, wrought its unpopularity and its abolition in 1821, and have since served as a standing objection to the policy of filling offices by appointment under a Republican form of government. Such a system is inconsistent with the genius of our American institutions and is adopted only in exceptional cases and under proper restrictions where the appointing power, which is elective, is held responsible for the administration of the office so filled.

The original draft of the first Constitution "after affirming the sovereignty of the people" was so framed as to perpetuate the supremacy of the Assembly by declaring "that the Assembly thus constituted . . . shall enjoy the same privileges and proceed in doing business in like manner as the Assemblies of the Colony of New York of right formerly did." The Assembly was empowered to appoint from the Senators the members of the Council of Appointment and to provide for the appointment of the State Treasurer, who controlled the finances of the State. Under the Colonial Government the Council was appointed by the Crown, and as the Colonial Legislature was constructed on the model of Parliament, no act of appropriation could originate or be amended except in the Assembly, the members of which were the immediate representatives of the people. In these particulars the Assembly maintained its supremacy until 1821, with the exception of permitting the Governor to participate with the Senators of the Council of Appointment in making official appointments, as the result of the Constitutional Amendment of 1801.

The original draft of the first Constitution therefore gave prominence to the supremacy of the Assembly. It also provided for a Senate of twenty-four members, which was permitted to amend, modify or reject any bill, but it did not have the power to originate monetary bills until 1821. As first constituted, the Senate was modeled, to some extent, after the Council, and to some extent after the House of Lords and not after the Roman Senate, whose functions during the Republic were principally

executive, although under the Empire it exercised independent legislative power. [Gaj. I. 4.] Mr. Maine affirms that "the first real anticipation of a separate chamber, armed with a veto on the proposals of a separate authority and representing a different interest, occurs in the much misunderstood institution, the Roman Tribune," to whose establishment Cicero attributes the preservation of the Republic. In addition to its legislative powers, the Senate of New York, under the first Constitution, when forming a part of the Court of Errors and Impeachment, also exercised judicial powers. So intrenched in American institutions has this bicameral system of legislation become that Pennsylvania, Georgia and Vermont have also adopted it in place of their original single legislative chambers. In the first State Constitution provision was also made for a Council of Revision, consisting of the Governor, Chancellor and Judges of the Supreme Court, or any two of them, to revise all bills which passed the Senate and Assembly before they became laws. The Court of Chancery and the Supreme Court were continued. A court for the trial of Impeachments and the Correction of Errors was created, consisting of the President of the Senate the Senators, Chancellor and Judges of the Supreme Court. Provision was also made for the free exercise of religion, for trial by jury, for the exercise of a qualified suffrage.

This Constitution contained a tentative provision for voting by ballot, in place of voting *viva voce*. The first secret ballot law was passed in 1778. The method of voting by ballot was adopted in Massachusetts as early as 1634. The Dutch religious toleration principle was also incorporated. The original draft of the first Constitution was in the handwriting of Mr. Jay and was submitted to the Convention at Kingston March 12, 1777. It was debated until April 20, 1777, when it was promulgated as the organic law of the State, without submission to the people for their ratification. During its final consideration, Mr. Jay was absent and unable to amend it in some important particulars, such as requiring all persons holding office under the Government to swear allegiance to it and renounce all allegiance to foreign Kings, Princes and States. He desired to insert a provision against domestic slavery and one for the encouragement of literature.

Forty-four of one hundred and fifty-seven Constitutional Conventions held in this country have not submitted the results of their deliberations to the people for ratification, and neither did the New York Convention of 1777; but such a course is not usually advisable and would not have been followed in New York had not the times been perilous and the enemy about to invade her territory. Immediately after the promulgation of our first Constitution, a Council of Safety, consisting of Mr. Jay and fourteen others, was vested with the powers of government, until the Constitution went into operation. A few months thereafter, a State Government was organized with George Clinton as Governor, Robert R. Livingston as Chancellor, and John Jay as Chief Justice of the Supreme Court.

On September 9, 1777, a quorum of the first State Legislature met at Kingston and elected Walter Livingston its Speaker, and on the following day Governor Clinton addressed his first message to the State Legislature. General Howe and his Council were still in control of the four wealthiest counties, viz: New York, Westchester, Richmond and Long Island.

During this period little legislation was attempted until 1782 to 1784, when the powers of the Governor and Council ceased and the State Government went into full operation over the whole State, and important laws were enacted abolishing entails and assimilating the statute of descents to our domestic polity. Samuel Jones and Richard Varick were authorized to compile such existing laws as were preserved by Section 35 of the Constitution of 1777, and to determine what laws were so preserved. Accordingly they reported a Bill of Rights, embracing the most important provisions of the Magna Charta, the English Bill of Rights, the Habeas Corpus Act [31 Charles 11.] and other Acts of the English Constitution.

They also reported Acts abolishing feudal tenures and making lands allodial, as they were regarded under the Dutch. They also reported statutes of Frauds, of Wills, and of Limitations. The great body of existing law was thus preserved by the Constitution of 1777, and it contained the following provision, that "the Legislature shall at no time hereafter institute any new Court or Courts, but such as shall proceed according to the

course of the Common Law." Thus was preserved all the guaranties of popular rights found in the Charter of Liberties of 1683, as well as those which had been secured by subsequent Acts of the Assembly and the Provincial Congress. It contained all the Constitutional principles that had been evolved during the development of the civil institutions of the Colony and the Province of New York. In spite of all the precautions taken by Mr. Jay and his colleagues, it contained some provisions and omitted others, that impaired its efficacy. Still the eminent Dr. Jameson said of it, that "it was at that time generally regarded as the most excellent of all the American Constitutions, and the model of the National Government under which we live." It is apparent from its numerous provisions, that its framers did not fall into the error, pointed out by Mr. Maine, of so simplifying our political institutions, as to lead to absolutism. In preserving their essentials, it provided checks and safeguards, which were not to be disregarded in the administration of the affairs of the State.

The second Constitutional Convention convened in Albany on October 13, 1801, chose Aaron Burr its President, remained in session until October 27, 1801, and proposed an Amendment, suggested by DeWitt Clinton, providing that the members of the Assembly should not exceed one hundred and fifty and there should be thirty-two Senators, and that the Governor should have a voice in the Council of Appointment. This was the substance of the work of that Convention which was submitted to the people and by them approved.

The third Constitutional Convention met in the Assembly Chamber on August 28, 1821, and consisted of one hundred and ten delegates. Daniel D. Tompkins was elected President and among the more prominent delegates were Chancellor Kent, Chief-Justice Ambrose Spencer, Henry Wheaton, William Van Hess, Nathan Sandford, Samuel Nelson, Jacob Radcliff, John Duer, Jacob Southerland, Rufus King, Martin Van Buren, General Root and others. It remained in session until November 10, 1821. It entered upon a thorough examination of the Constitution of 1777, and its practical operation in the light of experience and in view of the development of free institutions in



America. Sufficient time had elapsed to reveal the defects of the first Constitution and to impress upon the members of the Convention of 1821, the importance of such modifications as would place the organic law of the State on as liberal a basis as that of other States and in harmony with the provisions of the Federal Constitution. The debates of that Convention are replete with learned disquisitions on Representative Government, the durability and permanency of which were still questionable. This Convention abolished the Council of Revision and the Council of Appointment. The veto power after much deliberation was given to the Governor. The Convention made a systematic revision of the whole Constitution and made much ampler provision for the practical operation of popular government than that which had previously existed in this State. The Secretary of State, Comptroller, Treasurer, Attorney-General, Surveyor-General and Commissary-General were to be appointed by the Senate and Assembly, but in case of the disagreement of the Senate and Assembly as to such appointment, then such officers were to be elected by joint ballot of the Senators and members of Assembly.

The Governor, with the consent of the Senate, which, as a Council to the Governor, enabled the people, through their Senators, to have voice in the selection of officers, was empowered to appoint all judicial officers, except justices of the peace. These were appointed by the supervisors and county judges. Sheriffs and county clerks were elected and district attorneys were appointed by the county courts.

The Court for the trial of Impeachments and the Correction of Errors; the Court of Chancery and the Supreme Court, consisting of a chief judge and two other justices, were continued substantially as provided for in the Constitution of 1777. The Chancellor and the Justices of the Supreme Court were to hold office during good behavior or until they attain the age of 60 years. Provision was made for dividing the State into not more than eight circuits and for the appointment of a Circuit Judge with the same powers as a Justice of the Supreme Court and with such equity powers as might be conferred by the Legislature, subject to the appellate jurisdiction of the Chancellor.

An appeal lay from a decree in Chancery and a writ of error from a judgment of the Supreme Court to the Court of Errors, but on such appeal the Chancellor might inform the Court of Errors of the reasons of his decree but could not vote, and the Justices of the Supreme Court might assign the reasons for their judgment, but could not vote. Trial by jury was preserved as well as the other fundamental principles of prior constitutional and statutory enactments. Owing to the masterly argument of Hamilton in the case of *The People vs. Croswell* [3 Johnson Cases 343], provision was made for the first time in the constitution of 1821, to admit in evidence the truth in cases of libel. The Constitution of 1821 was duly ratified in February, 1822, and went into effect January 1, 1823. In 1825 Messrs. Butler, Duer and Wheaton were commissioned to revise the statutes of the State.

Upon the cession of the Province to the Crown in 1664, certain rights and privileges were reserved by the Dutch and were frequently thereafter recognized by the Courts as hereinbefore stated. Dutch tenures were converted into socage tenures although Dutch grants were confirmed by the "Duke's Laws" and subsequent constitutional provisions. The Duke's Laws was the first code promulgated in the province. It was a comprehensive system formulated in 1664-65, and was followed by the Acts of the Dongan Assemblies of 1683-84-85, all of which were repealed in 1691. [Van Winkle vs. Constantine, 10 N. Y., 422.] The first revision of the Acts of the Assembly was that of Livingston and Smith of those enacted between the years 1691 and 1763. The second revision was that of Van Schaack, including the laws of the earlier revision and those passed between 1763 and 1774. The next revision and the first under the State Constitution was that of Jones and Varick, heretofore referred to. It determined what statutes and laws were preserved by Section 35 of the Constitution of 1777. Its importance can not be overstated. The next revision was that of Kent and Radcliff, pursuant to chapter 190 of the Laws of 1801. Still another revision was made by Van Ness and Woodworth, and is known as the Revised Laws of 1813. This superceded prior revisions but made little change in the version of Jones and Varick's revision.

In addition to these there were several individual compilations such as Bradford's Laws of 1694, Greenleaf's compilations and Webster's edition of New York Laws. The tenure of real property involved much consideration on the part of the revisers. Under the Dutch the title to the lands in the Province was vested primarily in the West India Company, and patroonships with certain seigniorial privileges were created by the States, General, the Prince of Orange and the West India Company. Of the seven thus created only that of Van Rensselaer and that of Van der Donck remained after the surrender of the Province to the Crown of England. Many private grants of lands were made by the Dutch which were held as allodial lands, according to the law of Holland. By the terms of the articles of surrender of the Dutch to the Crown, it was stipulated that "all People shall continue free Denizens and enjoy lands, houses, goods, ships-wheresoever they are within the County, and dispose of them as they please," and that "the Dutch here shall enjoy their own customs concerning inheritances." [1 Doc. Hist. N. Y., 249.] After the conquest Dutch grants were required to be confirmed under the Duke's Laws and their validity was established by an Act of 1691. The Duke of York received his first Patent in 1664 and his second Patent in 1674, under which grants the province was held by "the socage tenure as it stood in England in 1664." Certain franchises or political powers were also conferred upon the Duke by these Patents. [1 Black. Com. 108; 2 Id. 346-348.] Mr. Fowler, in his "History of the Law of Real Property," states that "when the Duke of York ascended the throne as King James II., the legal effect was to merge his private estate, as lord proprietor, in the Crown. Thereafter he held the province no longer in his own right but *in jure Corona*." Thenceforth it was a Crown province and might be granted generally to the Governors to be conveyed, but as the Statute of *Quia Emptores* was in force after 1664, the grantees held of the Crown direct. [See *Van Rensselaer vs. Hayes*, 19 N. Y. 68.] In later years long and spirited controversies arose over the New Hampshire grants and French Seigniories on Lake Champlain, which involved the jurisdiction of the Crown over parts of the territory now embraced within the State of New York, notwith-

standing by the Treaty of Utrecht, France had acknowledged the sovereignty of the Crown of Great Britain over the Five Nations of Indians who claimed Lake Champlain and the circumjacent country.

The tenure of these French grants was usually that of "Fief and Seigniorship with right of high, middle and low justice, rights of hunting, fishing and the Indian trade," as stated in the grant to Bedou, embracing a tract on the River Chambly and including Isle a La Mothe (Isle La Motte), in Lake Champlain. [1 Doc. Hist. N. Y., 362.] The tenure of English manors, such as that of Livingston, was according to that of East Greenwich in Kent. Freehold manors were thus created, the boundaries and property rights of which have frequently been upheld by the courts upon the principle of the maxim, *Ut res magis valeat quam pereat*, although the franchises or political powers conferred as a part of such manorial rights did not survive the Revolution. [See cases of the *People vs. Van Rensselaer*, 9 N. Y. 291, and *People vs. Livingston*, 8 Barb. 252-278.] The Court of Appeals very recently had occasion to pass upon the grant, creating the manor of Pelham in the case of *De Lancey vs. Piepgras* [138 N. Y. 26], and decided that the political rights and powers or franchises of a public character contained in such grant might be restricted or even abrogated, whereas the property rights of private ownership of the proprietor could not be divested, except by due process of law. Some of the most perplexing questions that have been adjudicated upon by our State and Federal Courts are those involving the construction of Crown grants during the Colonial period. The revisers of the statutes had many other weighty matters to consider, such as the revision of the Act concerning tenures and the Act of 1782 abolishing entails, notwithstanding which, lands might still be rendered inalienable by a springing use or an executory devise. Accordingly Messrs. Butler, Duer and Wheaton undertook and completed a comprehensive and systematic revision of the entire Statutory Law of the State, which was embodied in the Revised Statutes of 1830, the foundation of all subsequent statutes.

The fourth Constitutional Convention convened at Albany on June 1, 1846, and consisted of one hundred and twenty-eight dele-

gates. General James Tallmadge, who was in the Convention of 1821, was a member of this Convention. John Tracy was elected President, and among the prominent delegates were Charles O'Connor, Samuel J. Tilden, Ira Harris, Charles H. Ruggles, Samuel Nelson, Richard P. Marvin, Henry C. Murphy, Horatio J. Stow and others. It remained in session until October 9, 1846, and completed the work undertaken by the Convention of 1821, by doing away with the system of filling offices by appointment and substituting in its stead the elective system.

All judicial officers and the Secretary of State, Comptroller, Treasurer, Attorney-General, State Engineer and Surveyor, the Canal Commissioners, the Inspectors of State Prison, the Clerk of the Court of Appeals, Sheriffs, County Clerks, District Attorneys and all city, town and village officers, except as otherwise provided for by the Constitution, were to be chosen by popular election. It abolished the Court for the trial of Impeachments and the Correction of Errors and created a Court for the trial of Impeachments, consisting of the Senators and the Judges of the Court of Appeals. It created a new Appellate Court, known as the Court of Appeals, composed of eight Judges, of whom four were elected for the period of eight years, and four selected from the Justices of the Supreme Court having the shortest term to serve. It abolished the Court of Chancery and provided that the Supreme Court was to have general jurisdiction in law and equity and conferred jurisdiction upon its General Terms to review appeals from its Special Terms and Circuit Courts and Courts of Oyer and Terminer, and the Legislature was empowered to provide for reviewing judgments, decrees and decisions of inferior local courts. It also authorized the Legislature to provide for Tribunals of Conciliation, to whose judgment parties might voluntarily submit their matters in difference. The Legislature was directed to appoint three Commissioners to revise, reform, simplify and abridge the rules, and practice, pleadings, forms and proceedings of courts of record of the State, subject to the approval of the Legislature. Whence came our Codes and reformed procedure. This Convention also formulated a scheme for the creation of a sinking fund to liquidate the canal debt and to provide also for the expenses and repairs of the

canals of the State and inhibited the Legislature from disposing of any of the canals of the State.

The credit of the State was not to be loaned to, or in aid of any individual, association or corporation, and later, in 1874, counties, cities, towns and villages were prohibited from loaning their money or credit or from incurring any indebtedness except for county, city, town or village purposes. And in 1884 a further limitation was imposed upon counties, containing cities of one hundred thousand inhabitants or more, and also upon such cities, restricting their indebtedness to ten per centum of the assessed valuation of their real estate.

This Constitutional provision was further amended by the Donvention of 1894 and is now one of the most salutary measures in our organic law. It has been an insuperable barrier to city and county extravagance and in the future will still further abridge the powers of cities and counties to create indebtedness.

The Convention of 1846 empowered the Legislature to divide the State into eight judicial districts and provided that there should be four Justices of the Supreme Court in each judicial district. It retained the provisions of the Constitution of 1821 as to the preservation of

such parts of the common law, and of the Acts of the Legislature of the Colony of New York, as together did form the law of the said Colony on the 19th day of April, 1775, and the resolutions of the Congress of the said Colony, and of the Convention of the State of New York, in force on the 20th day of April, 1777, which have not since expired, or been repealed or altered, and such Acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall make concerning the same.

It also retained the provision of the Constitution of 1821 as to grants of land within this State.

The Convention of 1846 spent much time in debating the Negro Suffrage Amendment, which was separately submitted to the people and defeated by about 150,000 majority vote, although the Constitution of 1846 was adopted by about 130,000 majority vote. This Constitution completed the separation and establishment of the three departments of the

State Government. This was amended from time to time, but for the most part, it remained in force for nearly half a century and until the Revised Constitution of 1894 took effect on January 1, 1895. Under its liberal provisions, the State flourished, and the people enjoyed a good degree of prosperity, and the State indebtedness was fully liquidated.

The Fifth Constitutional Convention convened at the State Capitol on June 4, 1867, and consisted of 160 delegates. William A. Wheeler was elected President, and there were in this Convention William M. Evarts, Samuel J. Tilden, Horace Greeley, George William Curtis, Charles J. Folger, George W. Clinton, Ezra Graves, Isaac Verplanck, and other prominent men.

Many important matters were considered by the Convention of 1867, but all its recommendations, except the Judiciary Article, were disapproved by the people. The debates and proceedings of the Convention of 1867 fill several closely printed volumes, which for their learning and breadth of discussion of Constitutional questions will always be of interest to students of the political history of this State.

In the Conventions of 1777, 1821 and 1846, was laid the foundation of this Empire State. Fortunate indeed was the State to have such able men as John Jay, Gouverneur Morris, Chancellor Kent, Robert R. Livingston, Ambrose Spencer, Samuel Nelson, Nathan Sanford, Martin Van Buren, Charles Ruggles, Samuel J. Tilden, Daniel D. Tompkins, John Tracy, William A. Wheeler, Charles J. Folger, William M. Evarts, and others, to take part in formulating and expounding its Constitutional Law.

Alexander Hamilton took an important part in framing the Federal Constitution, and he and Jay, through "The Federalist," forecast the probable operation of its provisions. New York has been progressive and has exerted a powerful influence in the building up of Republican institutions in America.

The immortal and creative genius of Hamilton, the patriotism of Jay, the civil and legal erudition of Kent, the judicial temper of Livingston, Walworth, Nelson, Folger and Andrews, the political sagacity of the Clintons, Van Buren, Spencer, Tompkins, Fillmore, Tracy, Weed, Seward, Raymond, Greeley, Conkling, Wheeler, Wright, Marcy, Dix, Curtis, Dana, Morton, Evarts, Tilden and Cleveland, are some of the

the formative influences that have been exerted in the development of Constitutional Law in the building up of the Empire State.

The foregoing sketch of the development of Constitutional Law in this State enables us readily to form a conception of the work of the Constitutional Convention of 1894, which convened at the Capitol in Albany on May 8, 1894, and consisted of 175 delegates; fifteen of these were elected on the general State ticket and the remaining 160 from the thirty-two Senatorial Districts of the State, each District having five delegates. It proceeded to organize by the election of Joseph H. Choate, of New York City, as President, Thomas G. Alvord as First Vice-President, William H. Steele as Second Vice-President, Charles E. Fitch as Secretary, and Herbert A. Briggs, of Buffalo, as Stenographer. There were one or two deaths among the delegates, and one or two delegates who failed to qualify, so that at no time did the membership exceed 171 in number. The Erie County members were Hon. Daniel H. McMillan, delegate-at-large; Harvey W. Putnam, Thomas A. Sullivan, William Turner, James S. Porter, and Philip W. Springweiler, delegates from the thirtieth Senate District; Henry W. Hill, Tracy C. Becker, John Coleman, George A. Davis and Jonathan W. Carter, delegates from the thirty-first Senate District. Six of its members were also members of the Convention of 1867, viz., Messrs. Francis, Augustus Frank, Schumaker, Veeder, Tucker, and Alvord; one of the number, Mr. Tucker, was the stenographic reporter of the Convention of 1846. Several of the number had served in the diplomatic service of the United States, such as Mr. Francis, of Troy, and Mr. Bigelow, of New York. Several had been members of Congress, such as Augustus Frank, William D. Veeder, John G. Schumaker and John A. Griswold. Several others had a prominent civil or military record. Many had been members of the State Legislature, such as Messrs. McMillan, Vedder, and Gilbert, and several had heretofore or then held judicial positions, among these Judges Truax, Cady and McLaughlin. A majority of the number were members of the legal profession, although other avocations were represented. There were several journalists, several authors, one or more physicians, and farmers, and a few business men.



Joseph H. Choate, a nephew of Rufus Choate, and one of the half-dozen most prominent American lawyers, presided over the deliberations of this Convention. The shafts of his wit, when directed toward the parliamentary enigmas, which occasionally embroiled the Convention, would convulse that body with laughter and quiet the tumult, as oil does the troubled waters. Without previous parliamentary experience, he readily familiarized himself with parliamentary procedure and became an efficient and satisfactory presiding officer.

The standing and special committees of the Convention altogether were thirty-one in number, and the membership of these ranged from five to seventeen each. They were classified and known as the following : The Committee on Preamble and Bill of Rights ; on Legislative Organization ; on Powers and Duties of the Legislature ; on Suffrage ; on Governor and State Officers ; on the Judiciary ; on the State Finances ; on Cities, their Organization and Government ; on Canals ; on Railroads ; on Counties, Towns and Villages and their organization ; on County, Town and Village Officers ; on State Prisons and Penitentiaries ; on Corporations ; on Currency and Banking ; on Military Affairs ; on Educational Interests ; on Charitable Institutions ; on Industrial Interests ; on Salt Springs ; on Indians ; on Future Amendments ; on Revision and Engrossment ; on Privileges and Elections ; on Printing ; on Contingent Expenses ; on Rules ; on Civil Service ; on Proposed Amendments ; on Forest Preservation ; and on Land Titles.

The work of the Convention was greatly facilitated through the efficiency and ability with which the various Committees disposed of the four hundred and fifty proposed Constitutional Amendments, introduced in the Convention and referred to them. Notwithstanding the admonition of President Choate, in accepting the duties as presiding officer, that "we were not commissioned to treat with rude or sacrilegious hands the Constitution of 1846, which for nearly half a century had satisfied in the main the wants of the people of the State of New York," nearly every provision of the State Constitution, in force on May 8, 1894, was touched upon, or affected by one or more of the proposed Amendments. Some of these necessarily duplicated one another and were finally merged into one. Others were

rejected in toto by the committee having them under consideration. Interested parties appeared before such committees in support of, or opposition to matters under consideration, and many hours were occupied in the investigation of such matters by such committees, or by sub-committees appointed from their number. The responsibility resting upon sub-committees was not unlike that resting upon members of the Court of Appeals, charged with the duty of writing the opinion of the Court upon the rendition of an important decision. Preconceived personal opinions were subordinated to the concensus of opinion of a majority of the committee.

This method of procedure brought into full exercise all the ability and experience of all the members of the Convention. Great freedom of debate was allowed in the consideration of matters in Committee, and many members took part in such debates, who did not participate extensively in the formal debates of the Convention. More than two-thirds of the volume of the work of the Convention was disposed of by these Committees, whose unreported debates ranged over the whole field of Constitutional Law. Both American and foreign Constitutions were consulted with a view of placing the Constitution of this State abreast of our progressive civilization.

Many of the proposed Amendments introduced were of a theoretical, temporal or legislative character and would be entirely out of place in the organic law of the State. Memorials, petitions and personal recommendations in vast numbers were presented from various parts of the State, and it required much courage for the delegates to withstand these, and, Horatius-like, defend the Constitution against the assaults thus made upon it. Extreme and speculative opinions found little favor and it was decided early in the sessions of the Convention, to make only such changes in the Fundamental Law of the State, as were required to provide for new exigencies in State, county, town, village and municipal government.

Conditions, unknown and unforeseen in 1846, had since arisen requiring an expansion of our Constitution in several particulars. The rapid growth of cities and their demand for freedom from Legislative interference, the necessity of the separation of Municipal from State and Federal elections, the

demand for further restrictions upon Legislative action, the need of a more equitable apportionment of the Senatorial Districts, and for a revision of the Judicial system, as well as the demand for improved inland waterways to meet the requirements of the expansion of commerce, and the suppression of the abuses and usurpations that were practiced in general elections, such as those at Gravesend, Troy, New York and Buffalo, were among the new exigencies requiring Constitutional enactments.

Webster once said, that "every generation ought to have some part in formulating its Fundamental Law." More than a generation had passed since the adoption of the Constitution of 1846. In the meantime the population of this State quadrupled, its industries had been diversified and multiplied, its urban population had exceeded its rural population and many important problems in Municipal Government had been presented, all of which tended to convince the people that the State had outgrown the Constitution of 1846, and a thorough revision thereof were necessary to meet these new exigencies, and to ensure a higher degree of Republican Government by the people of the State, than they were capable of enjoying under the Constitution then in force.

The Committees of the Constitutional Convention finally disposed of about three hundred of the four hundred and fifty proposed Constitutional Amendments, and thereby saved the consideration of these by the Convention. These Committees however reported on about one hundred and fifty Amendments, which went onto the Calendar of the Convention, but only thirty-three of this number were approved by the Convention and incorporated into the Revised Convention.

There were some others, however, on the Calendar of the Convention, which also would have been approved, had they been reached before final adjournment. It may be of interest to consider some of these Amendments, that were made to our Constitution. It has well been said that "the problem of the Constitution-maker is one of the most difficult in our whole system of Government to reconcile the requisites for progress with the requisites for safety. Every new Constitution gathers up the fruits of past experiences, and in turn contributes something to the common stock."

John Stuart Mill affirms that "No Government can now expect to be permanent unless it guarantees progress as well as order; nor can it continue really to secure order unless it promotes progress." The American system rests upon the principle that the people are the source of all political power and that Government is instituted for their good but must be exercised by their representatives, duly constituted to voice their sentiments. Guizot says that "the Representative system is the only one that makes the responsibility of power one of its fundamental conditions." This Republican form of Government is guaranteed by the Constitution of the United States to every State in the Union. With these cardinal principles in mind, the Convention undertook to amplify and adopt the Constitution to the new exigencies heretofore referred to, and to provide additional safeguards "to secure the rights of life, liberty and the pursuit of happiness."

Notwithstanding the expansion of our Constitution in conformity with the recommendations of previous Conventions and with those of the Legislature from time to time, it required also the work of the Convention of 1894 to secure the full operation of Republican form of government in all its plenitude in the cities and political divisions of the State.

Our Revised Constitution was the fourth American Constitution to provide any measure of Home Rule for municipalities. The conquered municipalities of the Roman Empire for the most part enjoyed a greater degree of autonomy, than did our cities in 1892, under the then existing State Constitution. The spirit of municipal institutions, after being fostered for centuries among the Teutonic nations, was transferred through the Dutch into the institutions of New Netherland and was wrought out in the principles of American Constitutional freedom. It was a part of the work of the last Constitutional Convention to restore to our municipalities something of the freedom which they originally enjoyed and which had been taken from them by recent legislative interference.

Accordingly the New Constitution ordains:

After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature . . . a certified copy thereof shall be transmitted to the Mayor of said city, and within fifteen days thereafter the

Mayor shall return such bill, with the Mayor's certificate thereon, stating whether the city has or has not accepted the same, . . . and the same shall be subject to the action of the Governor.

Whenever . . . any such bill is returned without the acceptance of the city or cities to which it relates, it may nevertheless again be passed by both branches of the Legislature, and it shall then be subject to the action of the Governor.

This provision enables the cities of the State to interpose objections to all special legislation and thereby enjoy some measure of Home Rule, without invading the domain of the sovereignty of the State over all its political divisions. This Amendment is commented upon in the case of *People ex rel. Einsfeld vs. Murray*, 149 N. Y. 379. In addition to this, another Amendment was also made, separating municipal from State and Federal elections; and hereafter municipal elections will occur on odd-numbered years and State and Federal elections on the even-numbered years. These two provisions will have the practical operation of making our cities to some extent autonomous. The Civil Service Amendment was the first to be inserted by any State in its fundamental law and has already received judicial construction. [*Matter of Keymer*, 148 N. Y. 219; *People ex rel. McClelland vs. Roberts*, 148 N. Y. 260.]

Another important Amendment was that requiring all bills to be printed and upon the desks of the members of the Legislature in their final form at least three calendar legislative days prior to their final passage, and prohibiting any Amendment being made upon the last reading of such bills. This will prevent hasty and "snap" legislation and enable the people of the State to know what is transpiring in legislative chambers. As a member of the Legislature of 1896, I found this to be a very salutary provision. Another important Amendment was that relating to general State elections and securing the right of suffrage against force and fraud and providing for its exercise by requiring proper registration of voters and the creation of election boards with equal representation of the two principal political parties thereon, and also by increasing the period of citizenship after naturalization from ten to ninety days and by also providing that elections may be "by such other method" than by ballot "as may be prescribed by law, provided that secrecy in voting be preserved."

Honest and fair elections together with the legal exercise of the privilege of suffrage are indispensable requisites to the perpetuity of Representative Government, and it is believed that the additional safeguards that have now been incorporated into the State Constitution, will tend to secure these requisites. Should experience warrant the introduction and use of any other method of conducting elections, than the present cumbersome and expensive method of voting by ballot, the Legislature under the foregoing permissive Constitutional Provision may authorize its introduction and use. This is a progressive measure, looking toward an improved method of voting. It was my privilege to draft, introduce and advocate this latter Amendment in the Convention.

Another important Amendment was the Apportionment Article, formulated with great care by the Committee of which Mr. Tracy C. Becker of Buffalo was chairman, and designed to secure an equitable representation of all the Counties of the State in the Legislature. It was based upon a numerical representation, increasing the Senate from 32 to 50 and the Assembly from 128 to 150 members, and did away entirely with the legislative inequitable gerrymander of 1892. The operation of this new apportionment was first seen in the general election in November, 1895. It is generally believed that it will prove satisfactory to the people, who prefer fairness of representation to political advantage in the election of members of the State Legislature. [See *People ex rel. Henderson vs. Supervisors*, 147 N. Y. 1; *In re Smith vs. Board of Supervisors*, 148 N. Y. 187.]

Another Amendment thoroughly revised our Judicial system and merged nearly all of our city Courts of Record in one Court of original jurisdiction, known as the Supreme Court. It also superceded the General Terms of the Supreme Court by a new tribunal, consisting of from five to seven Justices and to be known as the Appellate Division of the Supreme Court, of which there are four in the State. This Article went into effect on January 1, 1896, and that accounts for the necessary re-adjustment of the Justices of the Supreme Court and former Judges of the Superior Court of Buffalo. [In *re Rapid Transit Commissioners*, 147 N. Y. 260; *People vs. Herrmann*, 149 N.Y. 190.]

Another Amendment was that providing for the examination

and inspection of charitable, eleemosynary and reformatory institutions, whether supported by the State, county, or a municipality. Another still more important Amendment was the Educational Article, which for the first time in the history of the State makes Constitutional provision for the maintenance and support of a system of free common schools.

A system of free common schools was established in Massachusetts as early as 1647, but it was not until 1867 that the unpopular rate-bill was finally abolished in the State of New York, and her common schools were supported by a State tax and became in reality a free common school system.

The importance of the maintenance of such schools was deemed to be such as to warrant Constitutional enactment to avoid any legislative disturbance of the system in the future.

The new Educational Article also constitutionalizes the University of the State of New York, and for the first time in the history of the State places higher education beyond the reach of legislative interference. The Regents of the University of the State of New York were incorporated in 1784, and by a more satisfactory Act in 1787, and have enrolled among their number some of the most gifted sons of the Empire State. Incorporated through the effort of L'Hommedieu and Hamilton, fostered and upheld by a century of legislation, the Regents of the University have been deemed worthy of perpetuation, and the new Constitution so ordains.

Another important Amendment was that organizing "all able-bodied male citizens between the ages of 18 and 45 years" into the State militia. There were several other less important Amendments, recommended and adopted, to carry out our representative system of State government in its three principal co-ordinate branches more fully than it were possible under the pre-existing Constitution.

In the opinion of many, one of the important Amendments was that providing for canal improvement. Certainly no other Amendment is likely to do more for the industrial and commercial prosperity of the city of Buffalo and of the State.

The inland artificial waterways of the State may now be improved and maintained. The experience of upwards of half a

century has confirmed the predictions of its projectors, that the Erie Canal has done more to advance the interests of the State and Nation, than any other one agency. Buffalo has grown from an Indian village to the sixth greatest commercial port in the world and New York City has become the second greatest commercial port in the world, while all the intermediate villages of the State have become flourishing cities, unsurpassed by the maritime cities of Southern Europe. The policy which has thus made New York the greatest commercial State in the Union, we believed should be continued, and accordingly we undertook to make provision for general canal improvement, and after much labor, succeeded in prevailing upon the Convention to adopt this line of policy and the people of the State approved of the work thus done by an overwhelming majority vote.

It should be one of the proud achievements of Buffalo, that she has had a prominent part in fostering, preserving and perpetuating the internal waterways of the State and thus enabled the State to control the commerce, passing each way between the sea-board and the great lakes for nearly half a century, and also enabled the State to maintain her commercial supremacy among her enterprising sister States.

As a member of that Convention, ample opportunity was given me to have part in formulating and in advocating such Constitutional provision. It may be safely stated that our canal system will now be improved and put beyond the *vis inertiae* of public sentiment for another generation.

The foregoing new Constitutional provisions necessitated some change in the number and arrangement of the sections of the Constitution, but its general framework was retained. The fundamental provisions contained in the Preamble and Bill of Rights embraced in Article 1. of the Constitution were not disturbed. They have come down to us from the Magna Charta, the English Habeas Corpus Act of 1679 and the English Bill of Rights of 1689, or possibly from still more remote sources. "From the earliest records of the English law," says Hallam, "a freeman might demand of the Court of the King's Bench a writ of *Habeas Corpus ad subjiciendum*, etc. The Habeas Corpus Act introduced no new principles."



It is quite probable that some of the principles contained in the Athenian and Roman Constitutions have come down to us and are preserved for us in the first Article of our Constitution. We have already seen that we are indebted to Aristotle for the plan of government, comprising three co-ordinate branches. It is said that our highly-prized jury system may be traced back to the Frankish *inquisitio*, one of the prerogative rights of a Frankish king, if not to the Roman *recuperatores*, or even to the Greek *dikastes*. From the promulgation of the Twelve Tables in Rome, 450 B. C., down through the writings of the great civilians, Gaius, Papinian, Ulpian and Paulus, to the Institutes of Justinian, A. D. 533, the Romans developed, made trial of, and perfected a system of jurisprudence, which has been to a great extent the source of all subsequent systems, as well as the admiration of the law-maker the world over.

Qu. Mucius Scævola (100 B. C.) was the first to classify and define the nature of legal institutions, such as a will, legacy, guardianship, partnership, sale, hiring, etc. ; and Labeo was the author of various new classifications, divisions and definitions such as "*actiones in rem*," and "*actiones in personam*," and "*dolus malus*" (excusable error), appurtenances, etc. Classification went on until the nomenclature of the Roman Law became nomenclature of all subsequent systems. In speaking of the *Corpus juris civilis*, Rudolph Sohm, of Leipsic, says "it forms, in a sense, both the coping-stone of the whole structure of antique law and the foundation-stone of the structure of modern law." Erwin Grueber also affirms that "Roman Law was, through Bracton, in perfect good faith made part of the work which forms the very foundation of the Common Law." It has been said that "it was by a judicious mixture of the permanent or conservative, and the progressive reformatory spirit, that Rome was enabled to establish and frame laws that in time gave her the Empire of the World."

Our indebtedness to the Civil Law is evidenced not only by our Constitution, but also by the Declaration of Independence.

The "self-evident truth" therein contained "that all men are created equal" is a reproduction of the Stoical dictum of the Roman Jurisconsults "*Omnes homines natura æquales sunt*,"

found in Ulpian and translated "All men are by nature equal," or "All men are born equal." Justinian characterized the principles of the Roman Law as follows: "*Juris præcepta sunt hæc, honeste vivere, alterum non lædere, suum cuique tribuere.*" And Professor Sohm says: "In working out the *jus gentium*, i. e., those rules of natural equity, which regulate the dealings between man and man, and in reducing these rules to a system of marvellous transparency and lucidity, which carries irresistible conviction by its form as well as its matter to the mind of every observer, in doing this, Roman Law has performed its mission in the world's history."

From this source and from the English Court of Chancery, which bears some resemblance to the prætorian jurisdiction at Rome, was largely drawn our equity system, as outlined by our great civilians and Chancellors, Livingston, Lansing and Kent.

It is possible to trace many other of our civil institutions back to an English, Norman, Teutonic or Roman origin. In the history of civilization, from time to time have appeared important constitutional instruments, such as the Twelve Tables of Roman Law, the Institutes or Code of Justinian, the Magna Charta of King John, the English Declaration of Rights, the Federal and other American and recent foreign Constitutions. All these have been declarations of fundamental principles to be observed in the administration of government and have successfully advanced Constitutional liberty among the peoples of the earth. These have imposed limitations upon the capricious acts of executive, legislative and judicial officers, established the rights of persons and property and made possible the evolution of popular government. The Representative system, or Republican form, so well adapted to the conservation of these rights and of free institutions generally became the American type of government, and is guaranteed by the Federal Constitution to all the States of the Union. It was a wise policy therefore, and based upon well approved principles that moulded the development of American civil institutions upon a Representative and a Constitutional basis, and it is generally believed that no people are more secure than Americans in the enjoyment of "life, liberty and the pursuit of happiness."

The Constitutional Convention of 1894 supplemented the efficient work done by the five preceding State Constitutional Conventions and that proposed from time to time by the Legislature, acting *sponte sua*, or upon the recommendation of the Constitutional Commissions of 1872-1873 and 1890-1891, and it did not undertake to disturb our American civil polity, although much investigation was given to the provisions of many foreign Constitutions. These latter instruments were found to conflict with the principles of our civil polity, and not to be in harmony with our Republican form of Government, guaranteed by the Federal Constitution. The investigation of them however tended to convince a majority of the delegates, that the framers of our American Constitutions

builded better than they knew.

Our Revised Constitution therefore preserves the approved principles, contained in the pre-existing State Constitution, but extended its provisions to new exigencies, as already stated. Those who have critically examined its provisions affirm that it is the most explicit statement of the Constitutional principles of Republican form of State government ever made and that its beneficent operation will redound to the greater welfare of the people of the State. Though very imperfectly and but partially sketched, the development of our Constitutional Law may thus be traced from the civil institutions of the Old World down through many transformations to its culmination in our Revised Constitution.

Thus fundamental principles survive the decay of Empires and enter into the formation of improved systems of government, and these in turn will advance the progress of civilization,

. . . . whose compulsive course  
Ne'er knows retiring ebb.



AN ADDRESS COMMEMORATIVE OF  
GEORGE W. CLINTON.

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READ BEFORE THE SOCIETY, MARCH 24, 1890.

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BY DAVID F. DAY.

I think it may be said, with perfect truth, that the ability to mould the opinions of men and control the course of public events is seldom inherited. The gift commonly dies with its possessor. How soon the sceptre of Cromwell dropped from the nerveless hand of his son and successor! The names which were the most conspicuous in English history during the last century, are now the names of men who command no part in state affairs; and other names, then unknown, are borne by those upon whose shoulders rest the burthens of the empire. The families, which were of influence and importance during the colonial period of this country, are still, no doubt, respectable; but they are not, today, speaking generally, of any extraordinary prominence. To this rule, the families of those, who were the leaders in the Revolutionary struggle, offer us few exceptions. No descendant of Franklin, or Henry, or Hancock can be said to have given any additional luster to the names which they inherited.

Yet it must be confessed that to this rule there have been two important exceptions:—the Adams family of Massachusetts and the Clinton family of New York.

Charles Clinton, the ancestor of the Clintons of this State, a native of Ireland, but of English descent, a man in whose veins commingled the blood of Puritan and Cavalier, came to the

province of New York, in 1731. He was born in 1690, and lived to see his 83d year. At his home in Ulster County, in this State, his two sons were born—James, in 1736, and George, in 1739. There is not a great deal of the history of Charles Clinton recorded ;—but that he was a man of character and influence in his locality is proved by the fact that he served in the French and Indian War, with the rank of lieutenant colonel. He was present with his two sons at the capitulation of Fort Frontenac, in Canada. He was the great-grandfather of Judge Clinton.

In 1763, James Clinton, having the command of four regiments of provincial troops, was engaged in the defence of the frontier against the incursions of the Indians. At the beginning of the Revolutionary War he received from Congress a commission of colonel, and in 1775 he accompanied Montgomery in his disastrous campaign against Quebec. In 1777, having then the rank of brigadier-general, he was in command of Fort Clinton, when it was successfully stormed by the British. In 1779 he co-operated with Gen. Sullivan in the expedition which broke the power of the Iroquois in this State. He was afterwards in charge of the defences of Albany, and, continuing in the service until the close of the war, he witnessed the surrender of Cornwallis and the evacuation of the city of New York.

Of George Clinton it may be said that he participated with his father and brother in the French and Indian War ; and that in the year 1775 he was elected a delegate to the Continental Congress, in Philadelphia, voting the following year in favor of the adoption of the Declaration of Independence. Upon the adoption of the Constitution of this State, in the formation of which he had a most important part, he was elected Governor, holding that office thereafter until 1795, and again from 1801 until 1804, when he was chosen Vice-President of the United States. In the latter office, at the age of 73 years, he died, having passed more than half his life in the most arduous as well as the most honorable public service.

De Witt Clinton, the son of James Clinton and the father of Judge Clinton, was born in 1769. In 1798, at the early age of 29 years, he was a Senator of this State. In 1802, being only 33, he was chosen a Senator of the United States. He resigned that

office after the brief service of two years, and in 1804 was appointed Mayor of the city of New York. In 1811 he was elected Lieutenant Governor. In 1812 he was a candidate for the Presidency of the United States. In 1817 he was elected Governor of the State for the first time and in 1820 he was re-elected. Serving in this exalted office until 1822, he declined a re-election ; but in 1824 he accepted a nomination for the third time and was elected. Again, in the year 1826, he was a successful candidate. While holding the office of Governor, for the fourth term, on the 11th day of February, 1828, he died at what may be justly called the early age of 58 years.

Thus have we seen that for a period of thirty years in the history of this State the chief executive office has been held by descendants of Charles Clinton. But not upon the length of service in this important position does their fame rest. The first Governor Clinton was, without doubt, the foremost man of the State, during the Revolution. He was also the foremost man during the critical period when the institutions of the newly-created State were in process of formation. To the second Governor Clinton belongs the fame, almost entirely his own, of originating and carrying to completion the project of the canal which unites the great lakes with the sea, and which, while it gave to the State of New York its commercial supremacy, gave also to the undeveloped West its first great highway to the markets of the East. Seldom, if ever, in ancient or modern history have services of such value been rendered to any people as those which were given to this State by De Witt Clinton, during his nine years of administration in the office of Governor.

But it would be as foreign to my purpose as it would be to your expectations if I should dwell at any length upon the history of the family from which Judge Clinton sprung. I have, in fact, referred to it only that I might show you how that history, for the three generations before him, had been most intimately and most honorably connected with the history of the State of New York.

Belonging to a family so honorably distinguished in the annals of the State, I can well understand how Judge Clinton, justly proud of the name which he had inherited, felt also (as he

more than once declared) that it had been to him a burthen and an embarrassment. He knew that great things were expected of him, because he was the heir of such a name.

It was not the lot of Judge Clinton to occupy so conspicuous a place in the affairs of the State as was that of his ancestors. "The rod of empire" was not committed to his keeping; nor was it his "the applause of listening senates to command." Yet, if he had been called to the high station which they had filled, who of you can doubt that he would have given to the Commonwealth an administration like theirs, free from all scandal and reproach, pure, beneficent and honorable?

Among the treasures contained in the library of the Buffalo Society of Natural Sciences is a little manuscript volume, in which are recorded the observations and reflections of a young man, during a journey on the packet-boat *Lafayette*, from Albany to the village of Buffalo in the spring of 1826, by the way of the Erie Canal. The party mainly consisted of students of the Rensselaer School of Science (now the Polytechnic Institute) in charge of the principal, Professor Amos Eaton. It was long before the day of the railroad, and even the packet-boat was a great novelty. The excursion was avowedly for scientific research. The young men who composed the party were all students of natural history, and their leader was distinguished as a man of science. The volume is the earliest record which I have ever seen made by Judge Clinton's hand. He was then of the immature age of 19; yet anyone knowing Judge Clinton, who should read this quaint and interesting itinerary, would not fail to discover that even at that early period of his life the same tendencies of his mind, which dominated him in after years, had already asserted themselves. You will find in its pages, made yellow now by more than half a century, proof of the same assiduous seeking after truth, as after treasure, which distinguished him in riper years—the same careful winnowing of the false reasons from the true ones given in explanation of any of the phenomena of nature; the same sincere acknowledgment of ignorance whenever he passed beyond the boundary of his actual knowledge. He had been graduated at Hamilton College the previous year, where he had entered in 1821. Upon the occa-



sion of the celebration of the opening of the canal, in 1825, he had accompanied his father to this place. This, therefore, was his second visit to Buffalo and Western New York.

Under the date of Monday, May 15, 1826, I find an entry which, while it undoubtedly indicates the youth of the writer, nevertheless, to me, has some suggestion of Judge Clinton in his later years: "Good resolutions are so easily forgotten that we cannot take too numerous precautions to establish them in our memories. Hoping, therefore, that if I neglect to fulfill the intentions which I shall now record, this page may have the effect of bringing me back to the path of improvement, I here declare that I have been too remiss in taking notes, neglecting to set down things of importance from sheer laziness, and that I will reform in this particular."

I am inclined to think that any young man, who is possessed of a love of natural science, is apt to make choice of the profession of medicine, rather than any other, as his vocation in life. Certain it is that Judge Clinton had at this time begun to fit himself for that profession. The year 1826, after his return to Albany, and the year 1827 were spent by him under the direction of Dr. Theodoric Romeyn Beck, a distinguished practitioner of the city of Albany. It is certain, also, that during these years he attended two courses of instruction at the Medical School at Fairfield, where Dr. Beck had a professorship, and in the city of Albany, where Doctors March and Tully were already giving lectures to students. Possibly it was in associations like these that his great love for botanical science was first stimulated into being. Professor Eaton, Dr. Lewis C. Beck and Mr. Rafinesque, who were of the company of explorers in the trip of 1826, were zealous botanists, and voluminous writers on botanical topics. I have seen a bound volume of letters, which Judge Clinton received at this period of his life, which shows him in correspondence with all the leading botanists of that day. Nor should I fail to mention that his father himself had given much attention to the study of our flora, and was the friend and patron of botanists. In recognition of his love of the science, two genera of plants have had the name *Clintonia* bestowed upon them. The leading botanical author-

ities of that day stand upon the shelves of the Buffalo Society of Natural Sciences, with the name of DeWitt Clinton inscribed upon them, the gift of Judge Clinton to that institution.

At this period of his life Judge Clinton was an industrious collector of the flora of our State, making exchanges with other devotees of the science elsewhere. I have seen a letter of Professor Asa Gray, of Cambridge, mentioning the fact that in his herbarium at Cambridge, there were still specimens of plants prepared at that early day by Judge Clinton's hands. Nor did the leaders in the science fail to discover his merits and recognize his services as of value. In commemoration of him, though still a youth, Dr. L. C. Beck gave his name to one at least of his discoveries.

His adoption of the medical profession as his vocation in life could not but have had the sanction of his father; and it seems to me not unlikely that, but for events to which I shall presently refer, instead of an honorable career as a lawyer and a judge, it would have been his lot, in the no less honorable ranks of the medical profession, to have passed his life and earned a different but perhaps as great a fame.

I have mentioned that in February, 1828, DeWitt Clinton died. His death was sudden; and I cannot but think that it changed the plan of life which Judge Clinton had chosen for himself. There seems to be but little doubt, although I never heard Judge Clinton say it, that Ambrose Spencer, then Chief Justice of the Supreme Court (a name still beyond doubt the most illustrious in the legal annals of the State), conferred with him as to his purposes in life and advised him to enter the profession of the law. Whether he had become disinclined towards a physician's life, or whether the law seemed to offer to him a field, in which he might win higher honor and a wider fame, I do not know. But it is certain that he entered at once and earnestly into the study of the law, attending awhile the law school of Judge Gould, at Litchfield, Conn., then, and for many years, the leading one of the country. Subsequently he entered the office of the Honorable John C. Spencer, at Canandaigua, where his reading as a student seems to have been finished. And here I may mention, that so complete was his determination to

devote himself to his newly chosen profession, that he gave away his collection of plants, with the resolution that thenceforth the law only should engage his attention. How faithfully this resolution must have been kept is well evinced by that abundant knowledge of the law which ever afterwards distinguished him. He was admitted to practice in 1831, and for some few months afterwards kept an office in the city of Albany. The following year, however, found him again in Canandaigua, a partner with Mr. Spencer, whose daughter he soon after married. I find that on the 19th day of May, 1835, being then of the age of 28, he was appointed district attorney of Ontario County; and that after a few months' service he resigned, his successor being appointed on the 16th day of August, 1836.

This date fixes, as nearly as I think it well can be done, the time when he came to this city to reside. He had just entered his thirtieth year. I do not know that I ever heard him state the especial reasons, if any there were, for his coming here. But it is not at all improbable that the wider field, for the exercise of his abilities, which a new and growing city offered him, was the chief reason. Speaking of this important epoch of his life, I have heard him say, in public, that when he came here, "he was almost unknown; he had done nothing to make himself known; that he was acquainted with but very few, and that he had to work his way." Among these few were Dr. Thomas M. Foote, for a long time the editor of the *Commercial Advertiser* newspaper of this city, who had come to Buffalo in February of the same year, and the Rev. Dr. John C. Lord, who had already spent eleven years in this place. They had been fellow-students with Judge Clinton at Hamilton College.

I cannot say that my acquaintance with Judge Clinton began until after he was a Judge of the Superior Court of this city. Likely enough I had spoken with him, because he was always affable, and yielded graciously to the approach of young people. But I surely never saw him engaged as counsel in the trial of any case, and therefore I can speak of him, while in the practice of the law, only as I adopt the language of others. At the meeting of the bar of Buffalo, called upon the occasion of his death, Mr. Sprague stated that he could not remember that the reputation

of Judge Clinton, as a lawyer, had ever changed, from the beginning to the end :

At 30 years, he was as eminent as at his death. At that period he was already distinguished by his peculiar style of eloquence, a style, not the result of education or training, but native and spontaneous. In 1840, there were three men in this city, who were endowed with marvellous powers of speech, unequalled here, and unsurpassed in the State. These were George P. Barker, Henry K. Smith and George W. Clinton. The first two died early; the third lived to the ripeness of old age. Those who heard him only in his last years cannot appreciate his powers as an orator in his prime and ambition; but there are some, no doubt, who can recollect how the fire flashed from his eye, and how his pointed gesture, his expressive countenance, and the brilliancy and beauty of his diction thrilled an audience.

After the lapse of thirty-six years (it is as long as that since Judge Clinton was promoted to the bench), few indeed can speak of him as an advocate or as counsel engaged in the trial of causes. His toils, his triumphs, his defeats as a practitioner (whatever they were) were closed before my time. I remember only the traditions which speak of his uncommon ability as a lawyer, his remarkable success as an advocate, and his industry and fidelity in all professional trusts and responsibilities.

During the twenty years which he spent here in the practice of the law, the bar of Buffalo could scarcely have been surpassed by that of any other city of the State. Besides the distinguished lawyers mentioned by Mr. Sprague, there were here Millard Fillmore, Nathan K. Hall, Henry W. Rogers, Thomas T. Sherwood, Solomon G. Haven, and others, men of renown in their profession. Among them, from the first to the last, Judge Clinton seems to have been conceded a place in the foremost rank.

In the law reports which cover the period of his life as a practitioner, his name occurs with such frequency as clearly to denote that he had his full share in the important litigations of the day: and that his reputation as a lawyer was not confined to this city, is shown by the fact of his appointment, in 1847, to the office of United States District Attorney.

The evidence of the favor of his fellow-townsmen towards him will be found in his election to the office of Mayor, in the year 1844. He was among the first of those who were called to

the chief magistracy of the city, by popular vote. His residence here, at the time of his election, covered only a little more than seven years. He was not a party candidate, and the vote was practically unanimous.

In 1854 he was elected a Judge of the Superior Court of Buffalo, and held that honorable position by repeated re-elections, until the first day of January, 1878, when, having attained his seventieth year, he gave way to his successor. Thus through the long period of twenty-four years he occupied a seat upon the judicial bench. During much the larger portion of that period he had for his associates in that court Joseph G. Masten and Isaac A. Verplanck: and surely I may say of them that not often have jurists of such abilities been brought together in one court.

In the structure of their minds they were very dissimilar. Yet it must be said of them that each brought to the service of justice his full share of ability and aptitude for the judicial office. Judge Verplanck, I think did not have the learning of either of his associates, but his ready sense of justice, his rare common sense, and his perfect fairness compensated for all deficiencies, and made him most acceptable as an administrator of the law. Judge Masten was doubtless better acquainted with the current of judicial decisions, in this State and elsewhere, than either of the others, and was prompt to apply the latest exposition of legal science to the case before him. Curt he was, and at times severe; and this occasionally brought dismay to the young and inexperienced practitioner, and, without question, once in awhile, embarrassed the meritorious side of the controversy. Judge Clinton was, I think, more deeply read in legal principles than his associates; and he was greatly their superior in general learning. Whether on the bench or off, he was always courteous, considerate and kind. He seemed never to forget that it is the first duty of the court to find where the merits of the case lie. Having become satisfied which side was right, that side, no matter how ably opposed, no matter how poorly defended, thereafter with him had an advantage because he thought it was right.

I have no doubt that judges, as a rule, have carried with them into their courts so much of the common weakness of

humanity, as to be gratified to find their decisions affirmed by the higher courts. Of that weakness, I think Judge Clinton had as small a share as any judge I ever knew. I have heard him say that having done his best to decide a case properly, his personal interest in it ceased, except so far as he might wish to learn, in case of a reversal, wherein it was thought he had erred. Let me here repeat of him what I have already said upon another occasion :—As a judge, I thought his self-control complete ; that he heard with untiring patience ; that he was clear in his understanding ; industrious in the examination of the cause before him ; that he aimed at justice in his decisions ; and that he was fearless of consequences.

It has always been a regret of mine that a greater number of the judicial opinions of Judge Clinton were not in print. It is one thing to decide a case correctly ; it is quite another to put the reasons for the decision fairly on paper. The judge who undertakes it must have some capability of concise and perspicuous expression, or he will be likely to fail when he attempts to formulate the reasons which have guided him to his conclusions. That was never the case with Judge Clinton. He knew the full extent of the meaning and the proper weight of every word which he had occasion to use. For these reasons his judicial opinions were as clear and elegant as any other compositions of his pen.

Judge Clinton's industry in his profession was very great, and the ease with which he placed his thoughts on paper was most remarkable. Hence I have always regretted that he did not leave, as his contribution to the literature of his profession, some work upon which his reputation, as a lawyer, could have securely rested. The master of an English style, equal, if not superior, to that of Chancellor Kent, I feel sure that if the labor which he gave to the preparation of his digest of the decisions of this State had been devoted to the discussion of some important topic of the law, he would have left behind him a memorial of his talents, which would have been treasured among the classics of the profession.

Both before and after his elevation to the bench, in one respect, Judge Clinton's relation to the community was unique.

Whenever the occasion happened that public opinion here demanded expression, how often it found that expression through his lips. You will remember how happily, on such occasions, he was accustomed to employ his rare natural gifts and his many and varied acquisitions and accomplishments in the discharge of the duty of the hour. Did we fully appreciate, while he was with us, how greatly we were favored in the fact that he was our fellow-townsmen? I fear that we did not. What other city, in all the broad land, had his equal for such occasions? Surely, while he was with us, although others attained to higher places, or conducted greater enterprises, or filled for awhile a larger space in the public eye, surely, I say, while he was with us, he was our First Citizen.

My closer acquaintance with Judge Clinton began with the foundation of the Buffalo Society of Natural Sciences. It is not true that the first thought of the establishment of that institution originated in the mind of Judge Clinton. That credit must be given, I think, to the late Coleman T. Robinson. How many meetings, preliminary to the organization of the Society were held, I do not know. But I well remember that some time in the early part of November, 1861, I was invited to meet Mr. Robinson and several other persons, whom he had called together, to consider the practicability of organizing such a society in this city. Judge Clinton was one of the number who were present. He was called to the chair; and it was determined that the society should be established. I was not at all surprised to meet Judge Clinton at the meeting, because I had long known that he had been a devoted lover of nature, and that in early life he had given some attention to several branches of science. I was rejoiced that he proved to be the choice of the assembly as the first President of the Society. The inaugural meeting was appointed to be held on the 5th of December following. At that meeting Judge Clinton, most felicitously, as I thought, outlined the work of the Society. He said:

It will bring together in its collections all the plants and animals of the surrounding country, all its shells, insects, fishes, birds, beasts and animated things. It will collect and bring together all our minerals and specimens of everything that can show or illustrate the geology of that territory. It will

arrange all its collections in the most perfect order for the inspection of an enlightened curiosity and for the uses of the student of nature. It will originate and maintain a system of correspondence and exchange with similar societies and with naturalists of eminence throughout our country and throughout the world; and so will afford to this community an eye-knowledge of the geology and the faunas and floras of foreign lands as well as our own dear country. It will form and open a library, embracing all books necessary to the attainment of a knowledge of natural history and the prosecution of its study. Its proceedings will record the discoveries of its members and others, and diffuse useful knowledge among men.

I had already been attracted to botany as a recreation, and was acquainted, in some degree, with the characteristic plants belonging to our flora. Upon an allotment of the several departments of natural science among the members of the Society, I found myself associated with Judge Clinton upon the Committee on Botany. It was our self-imposed task to collect and preserve for the Society all the native and naturalized plants of the neighborhood. No definite plan of action was then thought of. What should be done, or what attempted, was left entirely to the developments of time. I had no anticipation of the happiness which was in store for me. It was not, I think, until April of the following year, that either Judge Clinton or myself made an excursion. Then, strangely enough, without any agreement or knowledge of the purpose of the other, we met in a piece of wood in the southeastern portion of the city. Each of us had already collected something; and after comparing what we had found, we spent the remainder of the day together, returning to the city at nightfall. Thereafter for several years our journeys together were very frequent. The counties of Chautauqua, Cattaraugus, Wyoming and Niagara were brought within the range of our investigations, and the region across the river frequently visited. It is not true that we always went together. Often our explorations were in fields widely apart; and Judge Clinton's excursions were certainly much more numerous than mine. But I saw him frequently, and often for the whole day together.

The beautiful and attractive scenery of Chautauqua and Cattaraugus counties grew familiar, and the unfrequented nooks, where strange plants nestled, the thick woods, the shaded dells



and the wild fastnesses about the Falls of Niagara and at Portage became known to us as they had never been known before. It was upon these occasions that I came to understand the depths of Judge Clinton's learning. In the lore which pertains to the wilds I never knew his superior. He was a wonderful observer ; and on such excursions as we made together, it seemed, greatly to my pleasure, as though my own perceptions were multiplied and that I was enabled to see with his eyes, as well as with my own.

I am sure that one of Judge Clinton's chief characteristics, as a naturalist, was his love of truth. The FACT, and the FACT alone, was what brought him delight. He had no love for mere speculative science. Indeed, to him, no speculation, however ingenious or plausible, was science. He wanted demonstration, not theory ; proof, not hypothesis. Fact to him was like money on deposit. Speculation, like the discounted paper of a bankrupt—the one always ready for immediate and constant use ; the other likely to return to its endorser, dishonored. His mental vision was so undisturbed and unperturbed by theory that, unlike many other people of science, he was rarely or never in error in any observation which he reported.

Whilst indeed he gave to the vegetable world so much of his attention, the habits of our native birds and wild animals were constantly observed ; and in the living creatures of our lakes and streams, he always found a fascinating study. There was no one in this region who knew our fish so well or could speak with such intelligence of their habits and their haunts. Those of you who can recall his contributions of some forty years ago to one of our city papers, will bear witness to the grace with which he spoke of our adjacent waters and of the tribes by which they are inhabited. It is said that some English writer called him the Izaak Walton of America. I do not know who made the remark, but it seems to me that the appellation was bestowed upon him, not because they were at all alike in style, but because their topic was the same, and each possessed the rare art of making his reader a companion. In English, pure and undefiled, Judge Clinton was the equal of Walton ; but where in Walton is that sweet play of fancy which irradiated, like a sunbeam, all of Judge Clinton's writing, and where that exquisite choice of

words which no one ever thought that he could improve? I was never with him in any one of his piscatorial excursions. Seldom, I think, did he desire companionship on such occasions, and I remember to have met him in his boat upon the river, when, indeed, his friendly salutation was ready, but it was not difficult to see that he had sought the solitude of the waters that he might be alone. Surely a string of fish was the least return which he obtained from his aquatic pursuits. I do not doubt that the clear stream, the blue sky, the fresh, pure air and the opportunity for undisturbed self-communion were by far the greater attractions.

But the frequency of his visits to the river made him an authority in regard to its finny tribes, even among those who were fishermen by profession; and I remember that once, while he was a Judge of the Superior Court, he was called as a witness before a justice of the peace to give testimony in a controversy in which the specific identity of a certain kind of fish was the important question. As I recall the case, no other witness was examined.

I dare not say that Judge Clinton was the first discoverer of many species of plants (the fungi excepted), which were before unknown to science. I am not sure that he ever had that good fortune in a single instance. In fact, such has been the labor bestowed upon the botany of the eastern portion of the United States, that the discovery of a new species is here scarcely to be expected. The collector must visit new lands in order to bring to light new species. But here, in Western New York and on the opposite shores of Lake Erie, his assiduity was rewarded by the discovery of many species, new to this region, the announcement of which was often a sensation in the botanical world. He collected largely, and thus was able to exchange the plants of this vicinity for those of many other portions of the world. In this enormous labor he was animated by a single thought—the building up of a great herbarium in our Society of Natural Sciences. He lived to see his design accomplished; and, whilst it may be said that he had some help in the work of collection, the still more onerous one of mounting and arranging them in order, as well as naming and indexing them, was done by his hand alone. It was the labor of years, a labor of love, which, I

know, brought to him, during its performance, very much of satisfaction. But it was a satisfaction purely unselfish, for the work was one the usefulness of which had to be left in the main to the generations which are yet to come. Upon his departure from our city, to enter the service of the State, as the editor of the Clinton Papers, the Society, in grateful recognition of the value of his labors in its behalf, ordained that henceforth his collection of plants should be known as the Clinton Herbarium. And so it will be known forever.

Good citizens of Buffalo: You may build for yourselves monuments of marble or of granite, to mark your last resting-places among the dead:—but it will be very hard for you to raise any memorial stone for your graves, which shall outlast this great, unselfish labor of Judge Clinton, or be more likely to transmit your names to the grateful remembrance of those who shall come after you.

I have asked the question, did we, while he was with us, fully appreciate how greatly we were favored in the fact that he was our fellow-townsmen? Had his home been in Boston, with what elation and pride would the people of that city have lavished their honors upon him, while he lived—with what affection and reverence would they have embalmed his memory when dead! Be not offended when I hold the mirror up to nature. But has this City or this State ever honored, as they ought, the memories of the best and noblest of their citizens? Where, then, is the statue which perpetuates the face and figure of the great statesman, who, regardless of obloquy and ridicule and spite, carried to success the project of the Erie Canal and placed forever in the hands of the people of this State the keys of empire? And if the good people of this city were to cause the scattered writings of Judge Clinton to be gathered up and be given again to the press, how could they, let me ask, by one single act, do more honor to him and to themselves? Who will collect and reprint that most charming series of papers, his “Notes of a Botanist,” which so many of our people looked for, every Sunday (during their publication) with eagerness of desire, and read with constantly renewed delight? The literature of Buffalo has surely nothing better to exhibit.

Judge Clinton was a learner to the last. "Life to him was an unbroken lesson, pleasant with the sweets of knowledge and the consciousness of improvement." He was a teacher as well; and he held it as a blessed office "to pour into the souls of others, as into celestial urns, the sweet waters of knowledge." One of your own number\*—one, who knows himself full well how to clothe good thought in good words—when speaking of Judge Clinton, whilst his presence here still gladdened our hearts, said :

He is our universal educator. Not to speak of his eminent professional career, he has taught us the sweet humanities and that unbought grace of life, which are the highest and the purest charm. Nature's own child, he has unfolded to us her mysteries, as she has revealed them to him, from tree and shrub and flower and her myriad schools of life. For him, nature unveils her face, and fills his ear with music and his soul with all-pervading harmonies.

It is a saying, which has been attributed to Judge Story, that "a man is to be measured by the horizon of his mind :—whether it narrows itself to the village, the county or the State in which he lives, or comprehends within its scope the continent or the world." Measured by a standard like this, how few there are who are to be counted as great. Yet I think that Judge Clinton would have borne the test. He loved this city with a true devotion, but he loved the whole country also, and he loved his race. The sentiment of Terence found a full response in his heart :—Nothing that was human was alien to his regard.

Judge Clinton was a man of strong religious feeling. His faith in God and a future life was a matter of the most earnest conviction. The unbelief, so prevalent in modern days, did not affect him. I have no doubt that his rejection of the Darwinian hypothesis was the more ready, because he saw, or thought he saw, that it led to one inevitable conclusion—the uselessness of a Creator.

But he placed his rejection of this popular doctrine upon other grounds as well. I quote from an address of his which I think has never been in type :

How difficult it must be to restrain the impatience of generous youth, and train it to the slow and sure attainment of knowledge. It burns with desire

\* The Hon. James O. Putnam.

for absolute truth, where only probability is attainable, and too readily accepts theory as fact rather than as an undisproven conjecture. True it is that **no one** can verify all facts, and we must take **many things on trust**; but in investigations of any kind, it is dangerous to be wedded to a theory. The investigations of a theorist are not to be trusted, and his physical as well as mental sight is, colored by his wishes. Tropes and similes are but ornaments; and sad, indeed, in an intellectual point of view, is the sight of that man who uses them, whether wittingly or not, as arguments. Men often do so, and are sure to go astray. I speak with great diffidence, but am very confident that Mr. Darwin's work, entitled "*The Origin of Species by Natural Selection*," is a glaring example of the danger of such a course; and he, it is very evident, is a diligent investigator, and a man of great learning; and, as I am assured, he is also an amiable and modest gentleman, and means to be impartial and candid. Collecting a few authentic, familiar facts, showing the metamorphoses of the tame pigeon, and of some other domesticated animals and a few plants, and the fact that most plants produce innumerable seeds, and in the same localities and under special circumstances, displace each other, he adopts or invents a trope, "**the struggle for life.**" Plants are engaged in this struggle of life. As things now are upon this earth, they were sown by God, like the dragon's teeth of the old fable, and spring up to battle with and exterminate each other; and then, as it seems to me, he reasons from his trope. All his added facts are exaggerated and distorted by it, and guesses become indisputable truths; and so he invents a new demi-god, and calls it natural selection, and sets up a shadowy doctrine of transmutation, and all his reasoning ends in this grand conclusion: "**I believe that animals and plants have descended from at most only four or five progenitors, and plants from an equal number. Analogy would lead me one step farther, namely:—that all animals and plants have descended from the same one prototype.**" Now, as this theory would permit God as creator, it is really unnecessary. To infinite power, it was equally easy to create one prototype, whether animal or vegetable, or of an intermediate nature, and enable it to vary into all the forms of life, whether past or present, from the simple *conferva* to the oak, the apple and the palm; and from the monad to man; or to create all species, past and present, endowing them with the capacity to vary with circumstances, even as they do, without losing their identity. Its truth or untruth can in no way affect the firm foundations of religion; and as the transmutation of a species requires vast spaces of time, its truth can be of no immediate consequence. But with all deference to that gentleman, I say—his trope is false. If one will consider how different plants affect different climes, localities and seasons, and their orderly succession, he must reject the trope. Look, for instance, in earliest spring, upon the low margin of that river, skirting the meadow. It is bare of all vegetation, save a few clumps of willow and of alder, just beginning to hang out their unopened catkins to the sun. Soon that naked space is sprinkled with the *Erigenia*, the blue and yellow violets and the *Erythroniums*; and as they fade

and mature their seeds, upspring the Maypink, Jacob's ladder, Solomon's seal, and I know not how many other forms of grace and beauty, to be in their turn succeeded by the cow-parsnip and the angelica, and they by others and by others, until midsummer sends up her tall grasses, and autumn covers the tangled mass of herbage with her gay asters, sunflowers and goldenrods; and then comes winter to end the ever-varying and orderly display and close it with her snowy pall. All have, without substantial interference, exhibited their beauty to mankind, performed their offices of love to animals, to insects and each other, and have matured their seeds and provided for the perpetuation of their kinds. And so it is with our fields and forests. First outburst from the teeming earth, amid the leafless trees, the modest spring beauty, the sweet Mayflower, the white and blue hepaticas; and when the trees have put forth their foliage, then upspring, in succession, the long train of flowers and fruit, which love the shade. There is no waste. Nature cares for the species and for every species, and for the sum of all created things; and she interconnects them in such a manner and to such an extent as true science loves to look into reverently. She has abundantly provided for the continuance of every species; and, as to their surplus seeds, they are put by for exigencies and given to unnumbered animals for food and those, not so used, decay, and furnish pabulum for other and often nobler growths. When I regard these manifest facts, if I must personify plants and use tropes, I am compelled to say that the species of plants show all courtesy and kindness to each other, and exhibit for each other the tenderest consideration. But it is pleasant to accept the truth, that God's glory is manifested in vegetation, and that in His beneficence, He has clothed our earth with the ever-changeable beauty and utility of innumerable species, not one of which, without good cause, shall be permitted to perish, so long as seed-time and harvest shall endure.

I wish, since I have the opportunity, that I could say all that I would like of the qualities of heart, as well as mind, which characterized Judge Clinton. But I feel that with you, who knew him so well, it is unnecessary, and I will not attempt it. Let it be deemed enough that what I esteemed the best side of his nature, was that which compelled the affection of all who knew him. We could not but love him. His presence, wherever he went, was felt as a blessing. Yet there was no ostentation in the display of his large-heartedness. He made no parade of his kindness or humanity. There was no cant in his speech or anything that resembled it. That he was kind, that he was humane was proved by the constant, steady, unflinching tenor of his life. Let me illustrate one aspect of his nature. In our many wanderings together, you may well suppose, that often, very often, men of every party and of every sect, their actions

and their utterances came up in conversation and were subjects of discussion. Believe me that never at such times, or at any time, was there uttered in my hearing by Judge Clinton any remark which bordered upon uncharitableness or indicated towards any one the smallest acerbity of feeling. He preferred to look upon the better side of men, and rather than speak ill of any one, he remained silent.

We all know how excellent was Judge Clinton's professional life, and how clear he was in the great office which he held so long among us. Yet I have sometimes asked myself the question, "Would it not have been better for his fame if Providence had led him into some different pursuit in life?" I have thought what an admirable teacher he would have been in one of our great institutions of learning. How grandly would he have presided over the affairs of one of our universities. Why would he not have ranked with Irving, if, like Irving, he had turned his thoughts entirely to letters? As an English writer, his style was as sweet, as pure, as clear; but he would have graced his theme with a learning of which Irving had, in comparison, but little. If he had been called to minister at the altar, how reverently and how impressively would he have interpreted the oracles of God!

But such speculations are vain: and it is enough of praise, as it is enough of fame, to say of him that he faithfully performed the duties of the place to which Providence called him.

I have always deemed his death most happy. Glad, indeed, and very thankful would I have been if his life and health could have continued some years longer. But that was hardly to be expected. He had already passed the age of his father and his father's father. A few more years, if he could have had them, would, likely enough, have only proven years of physical infirmity, suffering and decay. Better then, that it was, as from the beginning, it was appointed to be.

On the 7th of September, 1885, he indulged himself in a botanical ramble in the suburbs of Albany, visiting on his way the Rural Cemetery. There, within a short time after he had passed through the gates, he was found dead. Only a few moments before he had been seen gathering botanical specimens,

apparently in as perfect health as usually attends upon old age. Thus, at the very close of life, he was in the enjoyment of the things which he had always loved—the green turf, the blue sky, and the sweet, fresh air.

“Then, with no fiery, throbbing pain,  
No slow gradations of decay,  
Death broke at once the vital chain,  
And freed his soul the nearest way.”

If he had died of a lingering disease, such as often afflicts aged men, better would it have been for him to have been solaced, in the parting hour, by the loving presence of kindred and of friends. But since the anguish of dissolution was but for a moment, it was surely well that this venerable priest of nature should give up his life in the open temple of the Most High, where he had ministered so long, amid the quiring of the birds, which he loved so much, and the incense of the flowers, which he knew so well.

I presume it has seldom been the fortune of any one to gather flowers for his own burial. Yet it is the fact that those, which Judge Clinton held in his hand when he was found dead, were encoffined with him. To me there seemed in this a great propriety. They were the blossoms of the sweet clover. The plant is one of little beauty and is very common. I never knew that with him it was an especial favorite. In fact, I know of no quality which it possesses that would naturally commend it to his attention—save only this: when a branch is broken from the parent stem and it begins to wither, it exhales a pleasant odor and one which long continues. I have no knowledge that Judge Clinton ever moralized upon the plant, but I know that like it, “he could translate the stubbornness of fortune” into the sweetness of patience, submission and content.

The announcement of his death pierced, like an arrow, the hearts of his many friends all over the State. The bar of Buffalo met in its accustomed way; and those who had been associated with him upon the bench, or in the walks of private life, laid on his bier many sweet offerings of their respect and love. The Buffalo Society of Natural Sciences, to whom his benefactions had been so constant and valuable, placed on their records an



expression of their deep-felt sorrow. The Board of Regents, of which honorable body Judge Clinton was Vice-Chancellor, at their next meeting after his decease, marked their bereavement in eloquent words. Regent Curtis said :—

Sprung from men with a genius for public affairs and renowned in the public service, a high political ambition would have been natural to Judge Clinton. But a noble independence and candor of disposition and a deep delight in simple and friendly intercourse with nature, made him a student with Linnæus, a loiterer with Izaak Walton, and a shrewd observer with Henry Thoreau; and drew his heart away from the contentions of politics to a more tranquil life, from which even the offer of a seat in the Cabinet of President Buchanan could not divert him.

Judge Clinton was the founder of the Society of Natural Sciences in Buffalo, and lectured frequently upon geology and botany; and the last study was his special consolation and delight. Had there been in Buffalo, as in the English Universities, the office of a public orator, Judge Clinton would have worn its laurel, so constant and so various were his addresses upon all occasions of public interest and ceremony.

In 1856, he was elected a Regent of the University, and in 1858, he completed a Digest of the law reports to that date. After leaving the bench, he was appointed to edit the Clinton Papers, a collection of great importance to the State and country; and to this most fitting and congenial task the last years of his life were devoted. His annual reports of progress in that work, full of characteristic insight, of humorous appreciation and of patriotic enthusiasm, were among the most interesting events of the annual meeting of the board. His judicial and sagacious mind, his large knowledge of the interests and activities of the University, and a gentle conservation of temper gave to Judge Clinton's views great and just weight. He had a certain chivalry of nature, which, in moments of high excitement, inspired him with fiery eloquence, to which his towering form, his flashing eye and swift, impetuous speech lent great impressiveness. His kindly smile and courteous dignity of manner reflected well the purity of his character and his peaceful life, which his fond association with nature kept always fresh and unspoiled. The end of this modest, serviceable life was as happy as it was sudden. Already an old man, Judge Clinton walked out in the autumn afternoon, to find the latest lingering flowers of the year, and in that search, which had been the joy of his life, without warning or failure or decay of his faculties, his life suddenly ended. Nature seemed to have reclaimed the old man, whose heart the love of her had kept as warm and unwasted as a child's. Like Enoch, in that tranquil, beneficent, blameless life, he walked with God, and God took him.

One glorious summer's day in the year 1850, it was the office of Judge Clinton to consecrate and solemnly set apart, for the burial of the dead, that beautiful piece of ground where so many of our friends are sleeping, known to us as Forest Lawn. I esteem his discourse upon that occasion as one of the choicest productions of his genius:—tender, eloquent and appropriate, and animated throughout with the most exalted Christian feeling. It closed with these words:

Mindful of the resurrection, in our climate annually typified by Nature, we would place our dear ones to slumber among the flowers, by the running streams, on the hillsides, among the monumental oaks, where the birds build their nests and sing; where the zephyrs play, and all is peaceful beauty. We would that the "first roses of the year" should shed their fragrance over their tombs; that winter's snow should lie lightly on them, and that returning spring should "deck their hallowed mould" with a fresher and

"a sweeter sod,  
Than Fancy's foot had ever trod."

The proprietors of this most beautiful domain have sought to gratify these natural and laudable feelings, and to supply what was, till now, the prominent deficiency of Buffalo. For one, from the bottom of my heart, I thank them. Here, in these "arched walks of twilight groves and shadows brown,"

"The rude axe, with heaved stroke,  
Will ne'er be heard;"

but the dead will repose in solemn quietude and safety. There is, too, in the lawn above us, the rich fields and waving woods, a variety which can never stale, and Taste has full scope to gratify Affection's every wish. I cannot assert that more beautiful grounds have nowhere been devoted to such sacred purposes; but will you not justify me in saying that there could not be, in the vicinity of Buffalo, a more appropriate and precious offering to them than this Forest Lawn?

May it be ever sacred! For here "the wicked will cease from troubling, and the weary will find rest." Here grief will experience comfort, and the wounded soul find balm. Here careless sleepers will awaken from holy dreams, exclaiming, "Surely, the Lord is in this place." May it be to them, to us, to all, "none other than the house of God," and prove "The Gate of Heaven."

In the name, and at the request of the proprietors, with your concurrence, in the presence of God and His good angels, I most prayerfully and reverently sever this stream, these groves and gently swelling knolls, these ample fields, that smiling upland, and the deep-seated rocky ledge which skirts it, from all ordinary uses, and dedicate and devote them to the dead, forever.

On the 11th of September, 1885, the loving hands of friends, to whom his memory is precious, bore his lifeless body tenderly, mournfully, reverently, to its last resting-place in the beautiful grounds, which nearly forty years before he had thus consecrated as a place of sepulture.



A FORGOTTEN PEOPLE:

THE FLINT WORKERS.

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PAPER READ BEFORE THE SOCIETY, MARCH 23, 1896.

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BY THE VERY REV. WILLIAM R. HARRIS,  
Dean of St. Catharines.

On the farm of a man named Chester Henderson, close to what is known as the Talbot Road, and about three miles inland from Port Stanley, on the north shore of Lake Erie, a little over one hundred miles west of Buffalo, there is a circular rim of earth enclosing about two and a half acres of land. On the 29th of last September, accompanied by Mr. James H. Coyne, who has written a valuable monograph on the early tribes of this section of the country,\* I visited this historic embankment and secured photographs, which, unfortunately, give but a feeble idea of its height and extent. Within the fort and north of it the trees are still standing, but it is only a few years since the primeval forest shrouded it from profanation. Rooted on the raised earth are venerable chronological witnesses of its great age. On the stump of a maple we counted two hundred and forty rings, and on that of an elm, which measured four feet in diameter, were two hundred and sixty-six. The average height of the bank was three feet, and allowing for the subsidence of the soil, it was probably at one time four feet high. A small stream runs along this elliptical enclosure, which for about half its course has cut for itself, before leaving the fort, a bed about seven feet below

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\*"The Country of the Neutrals. . . . from Champlain to Talbot." By James H. Coyne. Map, 8vo, pp. 44, St. Thomas, Ont., 1895.—ED.

the general level. To the south, where this stream trickles through an opening, there is a rude and desolate gap, and indications of what was once a gateway. The walls terminating at this entrance are squarely shouldered, and show a deftness and skill of no mean order on the part of the builders.

These embankments are familiarly known as the "Southwold Earthworks," and are probably the best ruins of an Indian palisaded village to be found in Western Canada. The plan of the fort is purely aboriginal, and the labor involved and patience required in its construction must, with their primitive tools, have been very great. A plaster model of the fort is now in the museum of the Canadian Institute, Toronto. In the ash heaps and kitchen-middens in its immediate neighborhood there was not found anything that would give the slightest hint of European presence. Flint spear and arrow heads, stone casse-têtes (or skull-crackers), fragments of pottery, clippings of flint, rubbing stones, pipes of steatite, and clay and mealing stones have from time to time been dug up; but no article bearing a trace of copper or iron was found.

More than two hundred and fifty years have passed away since the fort was constructed, and the hardy settlers of the region still look with wonder and curiosity upon the relic of a vanished people, whose origin is to them as much a mystery as the law of gravitation. Indeed, the little that the students of ethnology and archæology know of this peninsular tribe, is gathered from the writings of the early missionaries, and collected from the embankments, mounds, ossuaries, separate graves and village sites. From the tools and weapons of bone, instruments of horn and stone, we are left to draw our own conclusions, and reduced to the necessity of surmising and guessing. The prehistoric Neutrals are in the age of the world but of yesterday, yet it is easier to present the lover of technological lore with illustrations of the arts and industries of Egypt and Assyria, than to illustrate from actual specimens of household utensils, working tools and ceremonial implements, the social and domestic state of this North American tribe. If Sanson's map be accurate, within these earthwalls was the Neutral village of Alexis, visited by the heroic Brebeuf and the saintly Chaumonot in the winter of 1640-41.

But let us reconstruct the village, and people it as it was when the devoted priests entered the gateway already mentioned. When the chief men of the eighty or ninety families composing a Neutral village selected this site to be their abiding place for twelve or fifteen years, they examined with characteristic sagacity its savage surroundings. Its seclusion in the gloomy forests, the fertility of the land, the gurgling brook winding through and around the giant elms; the abundance and variety of berries, and the succulent beech nuts, that fell in showers every autumn, promised them years of indolent repose. They are satisfied with their selection and begin at once their new village. The ditch around the town is dug with primitive wooden spades, the earth carried or thrown up on the inside, trees are felled by burning and chopping with stone axes, and split into palisades or pickets. These are now planted on the embankment in triple rows, that are lashed together with pliable twigs and strips of elm bark. Sheets of bark are fastened on the inside to the height of six or seven feet, and a timber gallery or running platform constructed, from which heavy stones may be cast, or boiling water poured upon the heads of the attacking Iroquois or formidable Mascoutin. Notwithstanding the enormous labor expended upon its construction, this fortified embankment scarcely deserves the name of a fort, but it is at least as strong and well built as those of the enemy. Within the inclosure cluster the lodges of the tribe, formed of thick sheets of bark fastened to upright poles and cross-beams, covered with bark and skins. Many of the lodges house from eight to ten families. The fires are on the ground on a line drawn through the center, with openings in the roof, which serve for chimneys and windows. Here grizzly warriors, shriveled squaws, young boys aspiring to become braves, and girls ripening into maturity, noisy children and dogs that never bark, mingle indiscriminately together. There is no modesty to be shocked, no decency to be insulted, no refinement of feeling to be wounded; for modesty, decency and refinement of feeling were dead ages before the tribe began its western wanderings. In these ancient wilds, clearings are made, branches hacked off from the wind-felled trees, piled around the standing timber and set on fire, or the trees girdled, through whose leaf-

less branches the sun ripens the Indian-corn, beans, tobacco and sunflowers, planted in the spring by the squaws, and whose seeds were probably obtained in the remote past from Southern tribes. The people who inhabit this village are Attiwandarons, or members of the great Neutral nation, whose tribal grounds stretched from the Genesee to the Detroit Narrows.

But before entering upon an epitomized history of this populous and formidable nation, one of whose fortified towns we have just resurrected, it will be expedient rapidly to outline the territorial and tribal divisions east of the Mississippi, when in 1612, Champlain entered the St. Lawrence and began the ascent of the Ottawa. All the nations whose tribal lands drained into the valley of the St. Lawrence River were branches of two great families: the roving Algonquin, the Bedouins of the mighty wilderness, who lived by fishing and hunting, and the Huron-Iroquois, hunters and tillers of the soil, whose warriors were the boldest and fiercest of North America. The Algonquins were divided and subdivided into families and tribes. The Gaspians, Basques, Micmacs and the Papinachois or Laughters roamed the forest on both sides of the Great River, as far as Tadoussac and Cacouna. Along the banks of the gloomy Saguenay, and into the height of land forming the watershed towards Lake Nipissikan, the Mistassini, the Montagnais, the Tarcapines and Whitefish hunted in that desolation of wilderness and fished in its solitary lakes and streams. Ascending the Ottawa River to the Alouette Islands, tribes of lesser note paid tribute to the One Eyed nation, called by the French, "Du Borgne," from the fact that for three generations their war chiefs had but one eye. They held the Ottawa and exacted tribute from other tribes passing up or down the river. On the borders of Lake Nipissing, dwelt the Nipissings or Sorcerers, while to the north and northwest were the hunting grounds of the Abbitibis and Temiscamingues, after whom Lake Temiscamingue is named. North of Lake Huron, running from the mouth of French River and circling around the coast to Sault Ste. Marie, roved five or six hordes of Algonquins. The writings of Brother Gabriel Sagard, the map of Champlain, 1632, that of Ducreux, 1660, the Jesuit Relations and the memoirs of Nicholas Perrot certify to the



hunting and fishing grounds of these Algonquin Bedouins. The Bruce peninsula and the great Manitoulin, "The Island of Ghosts," were the home of the Ottawas, or Large Ears, called by the French, Cheveux-Relevés (Raised Hairs), from the peculiar manner in which they wore their hair. Further west were the Amikones or Beavers, the Sauteurs or Chippewas, including the Mississagues and Saugeens. The roving hordes that stretched from the headwaters of Lake Superior to the Hudson Bay, the Wild Oats, Puants and Pottawatamies, the Mascoutin, or Nation of Fire, the Miamis, the Illinois, were all branches of one Algonquin tree. The great Huron-Iroquois family included the Tiontates or Petuns, the Hurons or Wyandots, the Andastes of the Susquehanna, the Tuscaroras of North Carolina, the five Iroquois nations, the Eries and the Attiwandarons or Neutrals. The tribes of this family were scattered over an irregular area of inland territory, stretching from Western Canada to North Carolina. The northern members roved the forests about the Great Lakes, while the southern tribes lived in the fertile valleys watered by the rivers flowing from the Alleghany Mountains.

A problem of ethnology, which will perhaps never be solved, confronts us in the study of the aboriginal people of this section of our country. What were the causes that led to the migration and settlement of the tribes in Western New York and South-western Ontario? At what time did the Iroquois separate from the Hurons, and the Attiwandaron or Neutrals claim independent sovereignty? When did the exodus of the Neutrals occur, and what was the route followed by this adventurous clan?

Mr. David Boyle, the Canadian archæologist, in his "Notes on Primitive Man," claims that the Neutrals were among the first to leave the main body. "Regarding their movement," he continues, "there is not even a tradition, but their situation beyond the most westerly of the Iroquois, and the fact that they had no share in the Huron-Iroquois feuds, point to an earlier and wholly independent migration. It is known also that their language varied but slightly from that of the Hurons, which there is reason to regard as the parent tongue, and the inference is that their separation must have taken place from the Wyandot side of the mountain down by the sea, long before the great dis-

ruption compelled the older clans to seek a refuge on the Georgian Bay."

Dr. Hale, in his "Book of Iroquois Rites," expresses the opinion that, centuries before the discovery of Canada, the ancestors of the Huron-Iroquois family dwelt near the mouth of the St. Lawrence. As their numbers increased dissensions arose. The hive swarmed, and band after band moved off to the west and south. Following the south shore of Lake Ontario, after ascending the St. Lawrence, the main bodies of the migrants, afterwards known as the Hurons or Wyandots, reached the Niagara Peninsula. Remaining here for a period, they eventually rounded the western end of the lake, and in the course of time took permanent possession of the country lying to the south of the Georgian Bay. After a while they were joined by the Tiontates, who followed the Ottawa route. This, however, is but tradition, and in it there is nothing to account for the migrations and settlement of the Neutrals along the north shore of Lake Erie, and eastward till they reached the country of the Iroquois. The first authentic mention of this powerful nation, we find in Champlain's writings, where he tells us that in 1616, when he visited the Georgian Bay region they were then in friendly alliance with the Ottawas and Andastes, and were waging war on the Nation of Fire, whose tribal lands extended through Michigan, as far east as Detroit. When Champlain was on a visit to the Ottawas, he expressed a wish to visit the Neutrals, but it was intimated to him that his life would be in danger, and he would better not undertake the journey. In 1626, Father Daillon, a member of the Franciscan Order, was evangelizing the tribes of the Huron Peninsula, when he received a letter from Father LeCaron, the Superior, instructing him to visit the great Neutral tribe or Attiwandarons, and to preach to them the saving truths of Christianity. Joseph de la Roche Daillon was a man of extraordinary force of character, "as distinguished," wrote Champlain, "for his noble birth and talents, as he was remarkable for his humility and piety, who abandoned the honors and glory of the world for the humiliation and poverty of a religious life." Of the aristocratic house of the Du Ludes, society tendered him a courteous welcome, the army and

the professions were opened to him, wealth with its corresponding advantages, too, were his, when he startled his friends, shocked society and grieved his family by declaring his intention of becoming a member of the Order of St. Francis, a religious association of bare-footed beggars. The ranks of the secular clergy offered him the probabilities of a mitre, and the hope of a Cardinal's hat. His family's wealth and position in the State, his father's influence at Court, his own talents and the prestige of an aristocratic name, all bespoke for him promotion in the Church. His friends in vain pleaded with him to associate himself with the secular priesthood, and when they learned that he was not only inflexible in his resolution to join the Franciscans, but had asked to be sent into the frozen wilds of Canada, they thought him beside himself. He left France in the full flush of his ripening manhood, and, for the love of perishing souls, entered upon the thorny path that in all probability would lead to a martyr's grave. On the 19th of June, 1625, he reached Quebec, and in the following spring, accompanied by Fathers Brebeuf and De la Nouë, he left Quebec with the flotilla, whose canoes were headed for the Huron hunting grounds in northern forests. When he received LeCaron's letter, he was at Carragouha, on the western coast of the Huron peninsula, where he opened the mission of St. Gabriel. In obedience to the request of his Superior, accompanied by two French traders, Grenalle and LeVallee, he left Huronia, October 18, 1626, and on the noon of the sixth day entered a village of the Neutrals.

"All were astonished," he writes, "to see me dressed as I was, and to learn that I desired nothing of theirs, but only invited them by signs to lift their eyes to heaven, make the sign of the cross and receive the faith of Jesus Christ." Meeting with a hospitable welcome he advised Grenalle and LeVallee to return to Huronia, and after escorting them some distance on their way, he retraced his steps to the Indian town. Gilmary Shea, in an article which he wrote for the "Narrative and Critical History of America," is of the opinion that he crossed the Niagara River and visited the villages on its eastern side. Daillon states in his valuable letter that a deputation of ten men of the eastern branch of the Neutrals, known as Ongiaharas or Kah-Kwahs, waited upon him bear-

ing a request to visit their village, Onaroronon, a day's march or about thirty miles from the land of the Iroquois, and that he promised to do so when spring opened. Notwithstanding the deservedly great authority of Gilmary Shea, I am of the opinion that Daillon never crossed the Niagara River. Aside from this promise, which he was not in a position to fulfill, there is no hint in his letter to lead us to believe that he visited the eastern villages. The priest spoke to the Neutrals of the advantage of trading with the French, and suggested that he himself would accompany them if a guide could be furnished, to the trading-post on the river of the Iroquois. Differing from the majority who have touched on this subject, I am satisfied that the place of trade was on Lake St. Peter, fifty miles below Montreal. It was called Cape Victory or Cape Massacre, in memory of the hundred Iroquois, who, in 1610, were killed by Champlain and his Algonquin allies. On the Island of St. Ignace, directly opposite the mouth of the Richelieu, was the "Place of Trade" referred to by Sagard in 1636. Champlain says that the Iroquois held possession of the St. Lawrence and closed it against other tribes, and it was for this reason that the Hurons always went by the Ottawa, when leaving on their trading excursions with the French. The Hurons hearing that Daillon was likely to prevail upon the Neutrals to deal directly with the French, and fearing they would lose the profits that accrued to them by exchanging French goods at high rates for the valuable furs of the Neutrals, became seriously alarmed. They hastily despatched runners into the Neutral country, whose extraordinary reports almost paralyzed the people with fear. The Neutrals with horror learned that the priest was a great sorcerer, that by his incantations the very air in Huronia was poisoned; and that the people withered away and rotted into their graves; and if they allowed him to remain among them, their villages would fall to ruin and their children sicken and die. The Neutrals took alarm, treated the priest with withering contempt, refused to listen to him, and intimated that unless he left the country, they would be compelled for their own safety to kill him. The priest deemed it prudent to return to Tonchain, in Huronia, from which place, on the 18th of July, 1627, he dates his most interesting letter.

In his report of the mission, he speaks of the climate with appreciation, notes the incredible number of deer, moose, beaver, wild cats and squirrels that filled the forest; "the rivers," he adds, "furnish excellent fish and the earth gives more grain than is needed. They have squashes, beans and other vegetables in abundance and very good oil. Their real business is hunting and war. Their life, like that of the Hurons, is very impure, and their manners and customs quite the same."

The priest was probably the first white man who ever entered the Niagara Peninsula, for the traders and *coureurs-de-bois* had not yet ascended the Ottawa River. Etienne Brulé, the dauntless woodsman and interpreter to Champlain, when he left Huronia with twelve Wyandots on an embassy to the allied Eries, crossed Lake Ontario to the east of the Senecas, but there is no record to show that he ever entered the Neutral country. Fourteen years after Daillon's return, the Jesuit Fathers of the Georgian Bay region, who had established permanent missions among the Hurons, began to cast wistful glances on the neighboring nations, and to open missions among the Petuns or Tobacco Indians, the Ottawas and the Nipissings. Fathers Brebeuf and Chaumonot were selected for the mission to the Neutrals.

Jean de Brebeuf was the descendant of a noble French family, who abandoned the honors and pleasures of the world for the hardships and perils of missionary life. He arrived at Quebec in 1625, passed the autumn and winter with a roving band of Montagnais Indians, enduring for five months the hardships of their wandering life, and all the penalties of filth, vermin and smoke, abominations inseparable from a savage camp. In July, 1626, he embarked with a band of swarthy companions, who were returning from Quebec to Georgian Bay, after bartering to advantage canoe loads of furs and peltries. Brebeuf was a man of splendid physique, of broad frame and commanding mien, and endowed with a giant's strength and a tireless endurance. Bravery was hereditary in his family, and it is said that he never knew what the sensation of fear was. He was a man of extraordinary piety, kindly sympathies and an asceticism of character that to the "natural man," mentioned by St. Paul, is a foolish-

ness beyond his understanding. He wrote a treatise on the Huron language, which was published in Champlain's edition of 1632, and republished in the "Transactions of the American Antiquarian Society," as a most precious contribution to learning.

His companion, Joseph Marie Chaumonot, or as he is styled in the archives of his order, Josephus Maria Calmonotius, was his very antithesis. He was born on March 9, 1611, and in the fall of 1639 reached the Huron country. He was timid even to fear, his nature was impressionable, and while in his studies he scored some success in literature, he failed as a theologian. "*Profectus in literis et theol. parvus*" is written after his name in the archives of his order. He was credulous almost to superstition, and shrank from his loathsome surroundings, as from the approach of a dangerous reptile; yet under the mysterious influence of Divine Grace, and by an indomitable and unsuspected force of will he conquered human infirmity, and became one of the most conspicuous figures and admirable characters of the early church of Canada. He had a prodigious memory and thoroughly mastered every dialectical and idiomatic alteration of the Huron language and its linguistic affinities. He drew up a grammar and dictionary which continued for years to be an authority, not only for the Huron language, but for all the kindred Iroquois tongues. His grammar was published twenty-five years ago in the "Collections of the Quebec Literary and Historical Society," and is one of the most important of the linguistic treasures which American ethnology owes to the early missionaries. On November 2, 1640, the two priests left the Huron village of St. Joseph to bear the message of the gospel anew to the great nation of the Attiwandaron. The task they had set themselves was one fraught with serious difficulties, for the path lay through a country reposing in the desolation of solitude, and its end might be a grave. Winding through the primeval forest, the trail crossed streams, though which they waded knee-deep. Wind-swept and uprooted trees lay everywhere around them, and when night with its eternal silence shrouded the forest they sought a few hours of rest under the shadow of some friendly pine. After a journey of five days the travelers on the 7th of November entered the Neutral village

Kandoucho. To this bourg they gave the name of All Saints, placed the whole country under the protection of the angels, and referred to it afterwards as the Mission of the Holy Angels. To their surprise they learned that an evil reputation had already preceded them, and no hospitable welcome awaited them. The Hurons, fearing their influence would divert the trade and custom of the Neutrals from themselves to the French, resolved that at all hazards this great misfortune must be averted. Messengers bearing gifts of hatchets and wampum belts went from village to village proclaiming that they were commissioned by their cousins and kinsmen of Huronia to inform the Neutrals that if they allowed the pale-faced sorcerers to dwell among them, famine and plague would desolate their villages, their women would be struck with sterility and the nation itself fade from off the face of the earth.

Brebeuf, who was known by his Indian name of "Echon," was looked upon with horror, as a dangerous sorcerer, whose incantations were dreadful in their effects. A thousand nameless fears took possession of the Indians, they avoided the men of God as they would poisonous reptiles, and retired from their approach as from that of a ravenous beast. Their very footsteps were shunned, the paths upon which they walked were infected, and streams from which they drank were poisoned. No one dared to touch a single object belonging to them, and the gifts which they offered were rejected with horror. In fact the specters of fear and consternation were everywhere, and in the presence of this universal terror, the chiefs summoned a council to determine the fate of the priests. Three times the Fathers were doomed to death, and three times the uplifted tomahawk was lowered by the force of arguments advanced by some of the elders. The missionaries visited eighteen towns, crossed the Niagara River near Black Rock Ferry, and went as far as Onguiara, a village on the eastern limits of the Neutral possessions. In the forty towns of the nation, they estimated a population of twelve thousand, but claimed that three years before their visit, there were twenty-five thousand souls in the country. This extraordinary reduction in their numbers was occasioned by repeated wars, but principally by a pestilence which had ravaged the

country. Along the winding paths through the forest, that interlaced and crossed and crossed again, the Fathers went from town to town, suffering from cold and hunger, and bearing a charmed life. But the black-robed sorcerers, with their instruments of necromancy, their crucifixes, crosses and rosary ; their ink-horns and strange hieroglyphics, the complete outfit of the black art, were held in horror and detestation. Despairing of accomplishing any good for the tribe, or of overcoming their inveterate prejudices, the Fathers resolved to bid them good-bye, and retrace the path to the Huron villages. In the second week of February, 1641, they began their homeward journey. They crossed the Niagara River at Lewiston, and reaching its western banks, disappeared in the shrouding forest. On their return journey they were snowbound at a town which they christened St. William, when outward bound. Here Chaumonot traced his rough map of the Neutral country, and Brebeuf added to the Huron dictionary many idiomatic words of the Neutral language.

On the 19th of March, 1641, the feast of St. Joseph, patron of the Huron missions, Brebeuf and Chaumonot, after an absence of almost five months, reached the village of St. Mary on the Wye. Among the eighteen villages visited only one, that of Khioettoa, called by the Fathers, St. Michael, extended to them a partially friendly greeting. Chaumonot, at the request of Father Lalemant, now wrote his report of their visit to the Neutrals, which is to be found in the Relations of the Jesuits, 1641. This remarkable and interesting letter practically furnishes all the information bearing on this mysterious tribe. As the Neutrals were of the parent stock of the Huron-Iroquois, their government, criminal code, marriages and religious conception were alike. Their dances and feasts, methods of carrying on war, their treatment of prisoners, cultivation of the soil, the division of labor between men and women, their love for gambling and manner of trapping and hunting, were also similar to those of the Iroquois and Hurons, with which we are all now so familiar. The missionaries draw particular attention to their treatment of the dead which they kept in their lodges, till the odor of decaying flesh became insupportable. They then re-



moved them to elevated scaffolds, and after the flesh had been devoured by carrion birds or rotted away, they piously collected the bones and retained them in their houses, till the great communal feast of the dead, or tribal burial. "Their reason," writes Father Chaumonot, "for preserving the bones in their cabins, is to continually remind them of the dead, at least they so state." This tribe carried to an insane excess, the Indian idea, that madness was the result of some superhuman or mysterious power, acting on the individual, and that any interference with the freedom or license of a fool would be visited with the wrath of his guardian spirit or *oki*. Pretended maniacs were found in every village, who, anxious to acquire the mystic virtue attributed to madness, abandoned themselves to idiotic folly. "On one occasion," writes the Father, "three pretended maniacs, as naked as one's hand, entered the lodge where we were, and after performing a series of foolish antics, disappeared. On another occasion some of them rushed in, and seating themselves beside us, began to examine our bags, and after having taken away some of our property they retired, still conducting themselves as fools." In summer the men went stark naked, figures tatooed with burnt charcoal on their bodies from head to foot, serving for the conventional civilized garments. The genealogy of the English nobleman is shown in "Burke's Peerage," but the Neutral warrior improved on this, by tracing his descent in fixed pigments on his naked body.

It is hardly necessary in this paper to state why the Neutrals were so called by the French, but it will be interesting to inquire, how for ages they were able to hold aloof from the interminable wars that from remote times were waged between the Hurons and Iroquois? There is no other instance in aboriginal history where a tribe occupying middle or neutral lands was not sooner or later compelled to take sides with one or the other of the nations lying on its opposite frontiers, if these nations were engaged in never-ending strife. There is but one solution of this problem, and that is to be found in the immense quantities of flint along the east end of Lake Erie. Without flint arrow and spear heads the Iroquois could not cope with the Hurons, nor the Hurons with the Iroquois; and as the Neutrals

controlled the chert beds, neither nation could afford to make the Neutrals its enemy. The Neutral tribe had easy access to an unlimited supply of material for spear arrow heads and scalping knives. Extensive beds of flakings and immense quantities of flint were found along the Erie shore, near Point Abino, where the chert-bearing rock is most abundant. Even today, after the beds have been worked for centuries, many of the nodules picked up are large enough to furnish material for twenty or thirty spear heads or arrow tips. For miles along the beach, heaps of flakes may be seen, and flint relics are found in all parts of Ontario and Central and Western New York, corresponding in appearance with the Lake Erie material.

The Iroquois were too shrewd and the Hurons too far-seeing to make an enemy of a people who manufactured the material of war, and controlled the source of supply. To those who take a deep interest in all that concerns primitive life in America, the excellence of the workmanship manifested in the flint instruments found on the Niagara Peninsula and in the neighborhood of Chatham and Amherstburgh, must convince them that the Neutral excelled all other tribes in splitting, polishing and fitting flakes of chert-bearing rock.

Independent of its general value as an ethnological factor on the study of the Indian progress to civilization, it is also a conclusive proof that among savage peoples, that which they possess, and is eagerly sought after by others, is cultivated or manufactured with considerable skill. Primitive methods of manipulating raw material, and of handling tools, must ever prove attractive to the student of ethnology, for in these methods we observe the dawn of ideas, which are actualized in their daily lives. The Neutrals when discovered by Father Daillon, in 1626, were like the Britons when conquered by Cæsar, many degrees advanced beyond a low degree of savagery. Chaumonot states, that the Neutrals were physically the finest body of men that he had anywhere seen, but that in cruelty to their prisoners, and in licentiousness, they surpassed any tribe known to the Jesuits. It would appear that as a rule there was a communal understanding among the Indians of North America, that among the prisoners who were taken and tortured to death,

women were not to be subjected to the agony of fire. At times this compact was broken by the Iroquois and the Illinois, but the Neutrals were, it would seem, the only tribe that habitually violated this understanding, for they subjected their female prisoners to the atrocious torture of fire, and with a fiendish delight revelled in their cries of agony. I have already stated on the authority of Chaumonot, that the tribe was given over to licentiousness, and I may add that in point of cruelty and superstition, it was not surpassed by any native American people of whom we have any record.

Had it been in the nature of the Attiwandarons to live a reasonably clean life, they might have become the most powerful branch of the great Huron-Iroquois family. Long immunity from attacks from without, the richness and fertility of their soil, and the abundance of vegetable and animal food, permitted them to devote their leisure to the enjoyment of every animal luxury their savage nature could indulge in; and they suffered the consequences that follow from riotous living the world over. Gibbon, in his "*Decline and Fall of the Roman Empire*," states that the descendants of the all-conquering Romans became wasted by dissipation, and that when the Scandinavian hordes poured from their northern forests into the plains of Italy, the effeminate Romans had but the strength of children to oppose them. The licentiousness of the Neutrals, their freedom from national and domestic cares, destroyed their warlike courage, and to all but their inferiors in number they were regarded as women. They quailed before the face of the Five Nations, and stood in awe of the Hurons, who refused them the right of way to the Ottawa, but as a bloody pastime they carried on cowardly and ferocious wars against the weak western Algonquin tribes. Father Ragueneau relates that in the summer of 1643 they threw 2,000 of their warriors into the prairie of the Nation of Fire, and invested one of their fortified towns, which they stormed after a ten days' siege. The slaughter that followed was appalling. They burned seventy of the enemy at the stake, torturing them in the meanwhile with a ferociousness satanic in its prolongation and ingenuity. They tore out the eyes and girdled the mouths of the old men and women over 60 years of age,

and scorning their appeal for death, left them to drag out a woeful and pitiable existence. They carried off 800 captives, men, women and children, many of whom were distributed among the Neutral villages, and by a refinement of cruelty surpassing belief, were subjected to atrocious mutilations and frightful burnings, prolonged from sunset to sunrise. There is a mysterious law of retribution, that in the accuracy of its application, is reduced to a mathematical certainty. The Neutrals, who had filled up the measure of their iniquity, had by their ruthless cruelty and unbridled licentiousness, invoked their doom. From the distant forests of the Senecas, there came a prophetic warning, and its message was, the Iroquois are beginning to open a grave for the great Neutral nation, and the war cry of the Senecas will be the requiem for their dead. After the Mohawks and Senecas, the war-hawks of the wilderness, had scattered and destroyed their enemies, the Hurons, they sought excuses to issue a declaration of war against the Attiwandarons. Father Lafiteau states on the authority of the Jesuit Garnier, that when the Iroquois had destroyed their enemies, and were in danger of losing from want of practice, their warlike dexterity and skill, Shonnonkeritoin, an Onondaga, proposed to the war chief of the Neutrals that their young men should meet in occasional combats in order to keep alive among them a warlike spirit. The Neutral, after repeated refusals, at last with much hesitation reluctantly consented. In a skirmish that took place soon after the agreement, a nephew of the Iroquois chief was captured and burned at the stake. The Onondagas, to avenge his death, attacked the Neutrals, and the Mohawks and Senecas marched to the assistance of their countrymen. Father Bressani says that the friendly reception and hospitality extended to a fugitive band of Hurons, after the ruin and dispersion of that unhappy people, excited the wrath of the Iroquois, who for some time were patiently awaiting a pretext to declare war.

I have somewhere seen it stated that the emphatic refusal of the Neutrals to surrender a Huron girl, who escaped from the Senecas, was the cause of the war; but whatever may have been the reasons, it is certain from the Relations of the Jesuits, that in 1650, the war between the Iroquois and the Neutrals began,

and was carried on with a ruthlessness and savagery, from the very perusal of which we recoil with horror. In this year the Iroquois attacked a frontier village of the enemy within whose palisaded walls were 1,600 warriors. After a short siege, the attacking party carried the fortified town, and made it a slaughter-house. The ensuing spring they followed up their victory, stormed another town, and after butchering the old men and children, carried off a number of prisoners, among them all the young women, who were portioned out as wives among the Iroquois towns. The Neutral warriors, in retaliation, captured a frontier village of the enemy, killed and scalped 200, and wreaked their vengeance on fifty captives, whom they burned at the stake. When the Iroquois heard of the death of their braves, they met to the number of 1,500, crossed the Niagara River, and in rapid succession, entered village after village, tomahawked large numbers of the inhabitants, and returned to their own country, dragging with them troops of prisoners, reserved for adoption or fire.

This campaign led to the ruin of the Neutral nation. The inland and remote towns were struck with panic, people mad with the instinct of self-preservation fled from their forests and hunting grounds, preferring the horrors of retreat and exile to the rage and cruelty of their ruthless conquerors. The unfortunate fugitives were devoured with famine, and scattered in bands wandered through the forests, through marshes and along banks of distant streams, in search of anything that would stay the devouring pangs of hunger. From the mouth of the French River to the junction of the Ottawa, and from the fringe of the Georgian Bay to the Genesee the land was a vast graveyard, a forest of horror and desolation, over which there hovered the specter of death, and on which there brooded the silence of a starless night. In April, 1652, it was reported at Quebec that a remnant of this tribe had joined forces with the Andastes and made an attack upon the Senecas. The Mohawks had rushed to the help of their countrymen, but the issue of the war was unknown. In July, 1653, word was brought to the same city that several Algonquin tribes, with eight hundred Neutrals and the remnant of the Tobacco Nation, were assembled in council near Mackinac.

They are mentioned for the last time as a separate people in the "Journal of the Jesuits," July, 1653. Henceforth the nation loses its tribal identity, and merging into the Hurons is known on the pages of history as the Wyandots. Father Fremin, in a letter embodied in the Jesuit Relations of 1670, states that on the 27th of September, 1669, he visited the village of Gandougaræ,\* peopled with the fragments of three nations conquered by the Iroquois. These were members of the Onnontogias, Neutral and Huron nations. The first two, he adds, scarcely ever saw a white man, and never had the gospel preached to them. These were the sons of the slaughtered Neutrals, who were adopted by the Senecas and incorporated into the tribe to fill the places of those they lost in their ruthless forays. This is the last time that the Neutrals are ever mentioned in the annals of New France.

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\*Gandougaræ was four miles southeast of Victor station, in Ontario County, N. Y. It is also spelled "Gannagaroe" and "Gannongaræ." See Beauchamp's "Indian Names in New York."—Ed.

FIRST APPEARANCE, IN 1832, OF  
THE CHOLERA IN BUFFALO.

WITH INCIDENTAL NOTICES OF THE LATE  
ROSSELL W. HASKINS.\*

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EXTRACT FROM PAPER READ BEFORE THE SOCIETY.

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BY LEWIS F. ALLEN.

The Asiatic cholera had raged in various countries of Asia for some years previous to 1832, and in many places with great fatality. The disease gradually progressed westward into Central Europe, spreading to more or less extent in all its divisions until it reached the Atlantic Ocean, and leaping across the channel dominated irregularly throughout considerable portions of the British Islands. In May or June, 1832, some English emigrant ships brought the disease to Quebec, in Lower Canada, where it soon spread and raged with great violence during some months. Within a short time after reaching Quebec, it crept up the St. Lawrence to Montreal, to Kingston and Toronto, in all of which places it spread with destructive fatality, and late in the month of June, or early in July, following Lake Ontario up to

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\*Died January 15, 1870. Mr. Allen once wrote of him in a newspaper sketch: "Mr. Haskins was an original in many traits of his character, like some other of the earlier residents of our village, and afterwards city, and one of the latest living of a class of men who early made their mark on the features of its progress and moulded its civil and social institutions into their well tried stability and usefulness. His early labors for its prosperity and greatness should be perpetuated in the memories of his survivors." An appreciative notice of Mr. Haskins, read at one of the club meetings of the Buffalo Historical Society, a short time after his death, by his friend Mr. L. G. Sellstedt, follows in this volume.—ED.

the Welland Canal by the vessels then coasting those waters (as the outlet of that canal was then into the Chippewa Creek) into Niagara River, and soon after appeared in Buffalo. The whole country was alarmed, and precautionary measures, so far as the larger city authorities of our country knew or could ascertain what such measures should be, were adopted to ward off its approach and guard against its ravages. Among these communities the little city of Buffalo, with its seven or eight thousand people, through its civil authorities, did what, with its limited means, it could to prepare for its approach.

But the cholera was here, and broke out in several fatal cases before its approach was expected, or even anticipated. A sudden meeting of the Common Council was called, decisive movements taken, and a Board of Health established for prompt and vigorous action. The City Council appointed Roswell W. Haskins, Dyre Tillinghast and Lewis F. Allen, a Board of Health, over whom presided *ex officio*, Doctor Ebenezer Johnson, then Mayor, and the first Mayor of the city—a magistrate to whose energy, faithful discharge of official duty, promptitude in action, and executive ability in times of emergency or exigency like that then upon it, Buffalo will never know a superior. These four men, then in the prime of life, of sound health and physical activity fully equal to the highest average, constituted the Board of Health, and took upon themselves the fearful responsibilities of exercising an almost plenary power conferred by the Council to do whatever they should see fit. Loring Pierce\* was the chief undertaker of the city, a capital nurse of the sick when needed in such capacity, sexton of St. Paul's Church, crier to the courts, a faithful, prompt executor of all orders in his line with which he might be charged, and ever ready for service. As a general assistant and undertaker he was employed by the Board, and when not otherwise engaged, was usually present at its daily meetings to bring in reports and receive orders. He was useful—indispensable, in fact. Last, but, perhaps, the most important adjunct to the labors of the commission, was the Health Physician and medical adviser, Dr. John E. Marshall, of the firm of Trowbridge & Marshall, both able and accomplished in their

\*Said to have been pronounced "Purse."—Ed.



profession, whose characters equally for integrity, uprightness and advisory counsel, as well as medical skill, were not only unquestioned, but held in the highest repute.

The cholera began its work fearfully and rapidly. One after another was stricken down, mostly among the more destitute, heedless and imprudent, but occasionally the disease burst into the dwellings of the careful and more circumspect, and carried off its victims with awful suddenness. The coffin makers and grave diggers were constantly at work; many people hurriedly packed their trunks and left the city, while others stood appalled, knowing not whether to go or stay. Every morning the Board of Health met at their little one-story wooden office on Main Street, received reports of the resident physicians, and made up their orders for the day. The entire Board were at work by day or by night, as exigency called. Steamboats were stopped on their entrances to the harbor until their passengers and crews had passed medical inspection; stage coaches (we had no railroads then) were stopped outside the city; canal boats were met below Black Rock as they were coming to their destination, and country people kept at a safe distance outside by their own fears of contagion. Everybody but the reckless ones lived on half rations of food, so far as vegetables and fruits were concerned, and the most abstemious of all diluted their water with a modicum of what, by courtesy, was called "*French brandy*"; while the tipplers (and they were more than enough), held a prolonged saturnalia of bibulous indulgence. A hospital was improvised, the first one being "The McHose House," which was pulled down a few years ago. It stood in a hollow about midway between Niagara and Ninth Street, now Prospect Avenue, built by McHose at an early day for a tavern, in expectation that the Erie Canal would pass it to avoid the projected Black Rock Harbor—a terrible dread in that early day of its erection, to all loyal Buffalonians! The house was unoccupied at the time. The Board of Health took possession of it, put in a few bedsteads, beds, tables, chairs, and cooking utensils. Pierce took partial charge, so far as moving the destitute cholera patients into it, and supervising its arrangement. But corpses were almost daily carried out, and but a few days

after its opening, the chief nurse and factotum died, and was carried to his grave.

That was a calamity, and the Board were appalled. What was to be done? After casting about for one to refill the place, Mr. Pierce found a stout, good-looking, healthy Irish girl of five and twenty years, or thereabouts, who offered her services, and brought her to the meeting of the Board. She looked cheerful, spoke hopefully, and appeared the very embodiment of health and good spirits. When asked if she had no fears of disease she answered in the negative, and went energetically and faithfully to work. Within the space of four days afterwards, that cheerful, kind, devoted girl was carried out of the hospital to her grave! There were sad hearts in the Board of Health that day. Pierce laid her shrouded body tenderly in her coffin, and gave her a hurried, yet respectful burial in the High-street field of graves. All that the Board of Health knew of her history or name, was "Bridget"!

On raged the cholera. There were "dens" across Buffalo Creek, where large elevators and coal shutes now stand, and they yielded up their victims; and on the "flats," up stream and down among the warehouses, and along the canal and its borders, Death erratically appeared. The disease darted like forked lightning at right angles, at obtuse angles, at oblique angles, up one street, down another alley, and into any and almost every quarter of the little city. The weather was hot; showers made the ground smoke with moisture, for there were not then eighty rods of sidewalk, nor a rood of paved street in the entire corporation. Dr. Johnson was busy with his official duties in the Council, and at the morning meetings of the Board. Haskins, Tillinghast, and Allen were busy at all calls, with little leisure for their own affairs; Dr. Marshall always engaged in his indispensable labors, and Pierce at his daily work of taking patients to the hospital, restoring the convalescent to their humble homes, or more frequently taking the dead, mostly by night (not unnecessarily to frighten the people) to their graves.

A single instance may be related: The day had been serene and cloudless; the Board had done their daily round of duty and repaired to their several homes. Mr. Allen's house was on

Main Street, between Chippewa and Tupper Streets. Tired and fatigued, he had retired to his bed. Soon a fearful thunder storm arose, rattling and lightening all over the sky, and the rain poured. He was the only human being in the dwelling, his little family having left the town early in the season. He could not sleep, and lay restless. About midnight a gentle tap was heard at the window near his bed, for he slept on the ground floor. Rising to know what the intrusion at that untimely hour could be, and raising the window, there stood — Loring Pierce !

“What’s the matter now, Pierce—anything new or alarming?”

“Oh no !” replied the imperturbable undertaker, “only I’ve got six coffins in my wagon going up to the graveyard to bury them, and not knowing but you would like to take a look at them and see that all was right, thought I’d call and ask you.”

“And is that all,” asked the astonished Allen, “and in such a hurly-burly of thunder, lightning and rain — worse than that of the witches in ‘Macbeth’—you call me out of bed to see six coffins on their way to burial ? You surely are not alone in such a night as this ?”

“Oh, no ; I’ve got Black Tony with me—he’s watching the wagon now, in the street — and I guess we two can get along with it — bury ’em, and get home before morning. Good-night, Mr. Allen.” And on went Pierce and Tony with their patient horse and wagon-load of bodies through the pitiless rain to the graveyard. The next morning at the Board meeting, Pierce was at his daily duty, sedate as usual, as if he had slept soundly all night. Pierce was a hero, and the dark-featured Tony his trusty sergeant !

It was not the poor only who suffered. The upper and brighter walks of life yielded also. Henry White, one of the distinguished lawyers of the city and county, after spending an afternoon at the Mansion House—then Landon’s Hotel—in attending to some legal business with one who had come a distance to see him, went home in the evening, not feeling well, retired to bed, and before nine o’clock next morning was laid out a corpse. And he was but one of many whose deaths were so appalling and sudden.

Haskins, although loving mankind in the aggregate, hated some men, and among them, blacklegs and loafers in particular. A graceless vagabond, who had been for months prowling about the streets, playing "sixpenny loo" with street boys, canal drivers, with any idle reprobate, in short, whom he could wheedle or cheat out of his pennies, to get his own night's lodging in an underground "dive," or a contingent meal, was a stout, burly, able-bodied fellow, of perhaps thirty years, and abundantly able to labor for a living. He had been in the watchhouse, before the police, in jail, as a vagrant. The scamp was utterly worthless for any good purpose whatever. Haskins had had no partial eye on him for months past. One of the physicians reported to the Board that this man (he had a name which every one knew, for he was a notorious nuisance, but what the name was is now forgotten) was taken sick, and must go to the hospital. Haskins's eyes lighted. "I'll attend to *his* case at once," and out he started, taking Pierce and his horse and wagon along. They proceeded to a miserable rookery on "the flats," fronting Main Street, somewhere in the block where the Webster Buildings now stand. The man was in a loft reached by a rickety flight of wooden stairs. At about half a dozen leaps, with Pierce at his heels, the top stair was reached, and through the shattered, half-hinged door which opened into it, both entered a room. There lay the poor creature utterly helpless, in the merciless gripe of the cholera. "Poor fellow," cried Haskins, his heart softening at the wretched spectacle, "bad as he is, Pierce, we must take care of him. Here, help get him on to my back." And with that he crouched over, Pierce put the sick man on to the shoulders of Haskins, who left the room, with Pierce's assistance—for Haskins was a strong, sturdy man—felt his way down the stairs carefully, and laid the poor creature tenderly on the straw in the wagon! Pierce drove him to the hospital, and the next day he was carried out—in a coffin! Haskins hated him no longer; but he didn't wish him back again.

The leading physicians in those days, aside from Drs. Trowbridge and Marshall, were Dr. Cyrenius Chapin and his medical partner, Dr. Bryant Burwell, the late Dr. Bristol being at that time a druggist, and not in medical practice. Chapin was an

able doctor, sixty years of age or upwards, an early resident here, of wide professional practice, blunt in speech, sometimes abrupt in manner, but with much kindness of heart, abounding in poor patients, to whom he scarce ever denied his services—as well as in patients who had the means to compensate his labors. But he was oftentimes dictatorial, sometimes obstinate, and had a sovereign contempt for the Board of Health as an official body, although on good personal terms with them as private individuals. He wouldn't make his daily reports of cholera cases to them, as required, and responded to by all the other physicians. "Why should I report my medical cases to a set of ignoramuses who don't know the cholera from whooping cough? No: I'll see 'em hanged first." But Dr. Johnson, the Mayor, had made up his mind that Dr. Chapin should report, willy-nilly, and after a delightful joust of words, altogether characteristic on the part of Chapin, the latter made up his mind that discretion was the better part of valor, and afterwards made his daily reports faithfully. Doctor Burwell, who was the widest possible contrast to Chapin in way and manner, although his business partner, had always made his reports punctually and well.

As before mentioned, the vessels navigating the Welland Canal came into the Niagara at Chippewa on the Canada side, and coasting up stream, crossed at the foot of Squaw Island, entered the ship lock and reached the lake through Black Rock harbor, in all cases when a northerly wind was not strong enough to take them, by their sails, up the rapids. Most of the Canada vessels during the summer had newly-arrived immigrants from Europe on board. In that way the cholera had at first reached Buffalo, and a sharp eye was afterward kept on every Canada vessel which approached our shores.

One dark murky evening, word was sent up from the ship lock to the Board of Health, that several vessels from Ontario had arrived near the foot of Squaw Island, and lay at anchor, intending to pass the lock next morning and go into Lake Erie on their passage up to the Canadian border beyond. The Board instantly convened, and with their physician—Pierce was left out this time—took carriages, and went to Lower Black Rock.

The people there had become alarmed at the presence of the three or four Canada schooners, for they had only come in singles or couples before, and the Board were promptly met on their arrival by Colonel W. A. Bird and his business partner, Judge McPherson, who had a large flouring mill and store there, and several other active inhabitants of the place. Two or three small boats were instantly provided, and the Board, with the gentlemen named and several others, supplied with enough stout oarsmen, took passage for the vessels. The night was pitchy dark, but the lights hung up on the vessels guided the boats to them readily. It was near midnight when the inspecting party reached them, and officers, crew and passengers, save a single watchman on the deck of each vessel, were soundly asleep in their berths. The captains were aroused as one after another of the vessels were boarded, and summoned to state the sanitary condition of their human cargo. They were indignant that any "foreigner" should interfere with their business; some of the passengers waked up, came on deck, and in no very decorous terms, bade the invading party be gone. But this was of little use; the visitors were strong enough to protect themselves. The condition of the crew and passengers was ascertained to be free from disease, and the boats with their visitors on board returned to the wharf whence they started. On reaching the shore the party went to the tavern near by, where some of them restored their wasted strength by imbibing a trifle of the "medicine" so frequently taken to "ward off the effects of frequent exposure." On this occasion, Haskins, who never touched a drop of spirits, not even wine, cider, or beer—"would as soon drink *aquafortis* as either"—was profusely liberal in setting a decanter of brandy before the boatmen, telling them to "take all they wanted."

"Why, Haskins," said Allen to him, "what does this mean? Your precept and example both are against all dram drinking, and here you are, giving the opportunity to let these men get drunk at their pleasure."

"Can't help that," replied Haskins; "if these chaps hadn't *expected* a treat of this kind, we might have stayed ashore instead of getting to the vessels, and *I* am not the one to balk their appetites. Taking the liquor is *their* affair, not mine." Although

a rigid abstinent, he would sooner get boozy himself than join a Temperance Society. He thought every one should be temperate on his own volition, and not lean on others to keep good his habits.

The next day the vessels were permitted to pass the lock into the harbor, but without landing any persons, and go quietly on their voyage. No further alarm came from Canada vessels during the season.

Two of our present eminent physicians, Gorham F. Pratt and James P. White\* were then medical students in Buffalo. Pratt was with Dr. Chapin—possibly had begun practice with him, as he was for some years afterwards a partner; and White, somewhat younger, in the office of Trowbridge & Marshall. These young men were active, intelligent, enterprising, and gave most valuable aid to the Board, as well as to their medical superiors in their laborious duties. Pratt stayed chiefly at home in Dr. Chapin's office to attend pressing calls there, while White was sent to guard the outpost at Lower Black Rock, where the canal boats from the East and the Canada vessels entered the harbor. Here his activity and vigilance greatly relieved the anxiety of the Board of Health, the physicians of the city, and the people at large. His reports of the condition of things were frequent, and his watch was only given up on the disappearance of further danger.

Many incidents, some melancholy, and some otherwise, occurred during that distressing season. Many valuable lives were cut off by the disease, and some that were of little use to society. The city authorities and the medical faculty, as well as the people, had the cholera and its treatment all to learn, and before the scourge had left the city, as it did when the frosts of autumn came on, the disease had become measurably controlable, and its contagion somewhat arrested by timely precautions. So passed the first cholera year of Buffalo, thirty-seven years ago, and in the course of those years have passed away every member of that Board of Health and their associates, save one, and he yet robust, but in the sere and yellow leaf of life.†

\* Dr. Pratt died April 6, 1871; Dr. White Sept. 28, 1881.—Ed.

† Mr. Allen was 69 years of age when he thus alluded to himself. He died May 2, 1890, in his 91st year.—Ed.

Less has been said of Tillinghast than of Haskins in this brief memoir, but he was quite as active and vigilant in the discharge of his duties as either of his associates. The Health Physician, Dr. Marshall, was untiring throughout in his labors, and his fidelity to his fearful trust, no doubt, saved lives that, with a less attentive care, would have been lost. Nor were the labors of the other physicians of the city less meritorious. The names of all of them may not have been mentioned in this recital, but they were Good Samaritans, and devotedly gave their services either with or without the expectation of reward, as chances might govern. All the reward the Board of Health received for their three months' labor and the neglect of their private business was the thanks of the Common Council, except that Tillinghast was paid \$50 by them for keeping the records as clerk of the Board. Few men, we fancy, in these later days of plunder and extortion of the public would consent to be thus compensated. A remarkable fact may be mentioned, that so far as now recollected, no member of the Board of Health, nor any of their official associates or attendants, suffered a day from sickness, during the period of their labors.

After an interregnum of the year 1833 in which, however, a few stray cases of cholera occurred, the disease again broke out in the year 1834 with all its previous virulence. A new Common Council and a new Board of Health were in action, with improved opportunities for managing the disease, but the fatality was proportionally as great as in 1832. Yet the precautionary measures against attack were better understood, and those who were in health feared less to encounter the disease than before. Several active young men of the city turned out bravely as nurses to the sick, and did grateful service; and so did many reputable women. A marked exception of her sex who devoted herself to this brave work was one, not of the good and virtuous in society, but of whose labors at this distant time it would be unjust not to bear recognition.

Lydia Harper was a fallen woman. Whether she became so by the wiles of seduction, or by her own volition, was unknown to the people of Buffalo. She had lived in Rochester time past, as it was said, but her home for some few years had been in



Buffalo. Her personal appearance was decent ; of middle size, well-formed, bright eyes, good complexion, modest in carriage and dress, as she passed the streets, healthy in look, with intelligent, expressive features, she would appear to the stranger a respectable woman. Her age was perhaps thirty. But she was not what she should have been, and her home was among the wayside localities of the abandoned of her sex. To the public, as she appeared among them, her conduct was correct, and to those only who consorted with her kind was her vocation familiar. Yet rumor told various acts of kindness and charity at her hands, and the name of Lydia Harper was not always accompanied with approbrium, or censure. She did not entice the young and unwary to her abode. She knew enough of the world to understand her own position, never sought to conceal it, nor did she thrust her presence in unwelcome places. So she passed, unobtrusive to society, and apparently content with the lot which her own fallen nature had chosen.

When the cholera, in 1834, had broken out, and attendants on the sick were much needed, this woman offered her services as a nurse in places where they were appropriate, simply for such labors as she could render without regard to her social recognition. She asked no pay. She was ready to work, she could work, and she did work, with a readiness, a facility, an aptitude of which many better women were incapable ; and she entered houses whose inmates were respectable, and where her efforts were gratefully appreciated. She could do everything required of a female nurse ; prepare food and drinks, give medicines, bathe the sick, smooth their pillows, and minister all those gentle attentions so grateful to the stricken and afflicted, and with a decorum and fidelity admirable in their manner. And she did all these throughout the cholera season. Was not that woman a heroine—a *true* woman indeed—in all the virtues of a repentant Magdalen ? Let charity excuse her frailties, while gratitude applauds her kindly efforts to relieve the miseries of her race. It was no “putting on” of hers for the occasion, but a genuine philanthropy, innate in her being, which broke out at the cry of distress, ceasing only when the occasion for its action had passed. Lydia lived years afterwards in her vocation as before,

and died some years since in this city. In what part of the common burying ground her remains were deposited no one perhaps now knows, for no tombstone tells the tale of her good deeds or records the story of her frailties. Let this simple narrative perpetuate the one, and oblivion blot out the other.

# ROSWELL WILLSON HASKINS.

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PAPER READ BEFORE THE SOCIETY DECEMBER 19, 1870.

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BY LAURENTIUS G. SELLSTEDT.

The subject of the following sketch was a man of too marked a character to be other than prominent. His idiosyncracies and the circumstances under which he lived to a certain extent isolated him; and among his fellow-citizens he stood apart—an uncommon work of the Divine Master—seen in different lights and shades, and judged by them according to their position, distance or mental focus. His own opinion on all subjects he had made his study, were fixed, inflexible and sincere, and they were uttered with an uncompromising bluntness that knew no lubricating policy. Though it perhaps follows that a man who sought truth only for her own sake, even though she often eluded him, should in many things run counter to received errors, and by his fearless, and if you will, imprudent condemnation of them, subject himself to censure—yet, so well were his honesty of purpose and generous impulses known that, whatever separation there was between himself and what is commonly called society, the act of ostracism was his own. Other reasons for this estrangement will appear as we proceed; but, whatever the cause, it is certain that, during the latter years of his life, he shrunk with morbid sensitiveness from contact with mixed company, especially of strangers, of either sex. He felt that he was misunderstood, and his refuge, aside from his beloved family circle and a few old friends, was the laboratory of the scientist, the artist's studio, the geologist's hammer, his books, his writings and his own thoughts. I

shall try, as far as my powers of analysis go, to place in their natural light his motives, and to speak of him as he was, "to nothing extenuate, nor set down aught in malice."

Roswell Willson Haskins was born January 31, 1796, at New Salem, Mass. His father's Christian name was John, and that of his mother was Sarah. His father died when he was only four years old, leaving his mother in destitute circumstances with three children, of whom two were boys and one a girl. Of his ancestry, he says in a letter to one of his sons: "You want my ancestral tree; well, I wish I had one for you, since I do not want it for myself. I have little desire in that direction beyond our Revolution, and that far I have got. Of my ancestry, I never have heard beyond my grandfather Haskins, who, my grandmother told me, was killed in the Revolutionary War. Of his birth and history I know nothing beyond his death, which I glory in. My mother has told me that all her immediate relatives were patriots in that war, except one uncle, who was a Tory, and left the country as such at the beginning of the war." His mother's family name was Willson, and he says of her in another letter to the same son: "I have never known anything of my mother's parents. When I was 15 years of age, I saw two brothers of hers. They lived in New Hampshire. I have never seen either of them since; but in 1836, when in Peterborough, my sister Clarissa told me that one of them was living some thirty miles distant, either sick or disabled and very poor. I told her I would give her \$100 for him if she could get it to him. She said she would carry it to him, and she subsequently wrote me she did carry it to him and that he was grateful for the relief, as she found him in very destitute circumstances. This is the last I know of them."

At the age of 10 years he lived with a doctor whose wood he chopped and whose horse he cared for, sleeping on the floor with his clothes on, and with scanty covering, being frequently called in the night to harness the horse, and beaten without knowing what it was for; and though living where there was plenty, he often suffered so much from hunger that the neighbors gave him food for charity. Being at last discharged on account of dull times, he walked from this place to his mother (who then lived

at Brattleboro, Vermont,) in the dead of winter, most of the two days' travel over an unbroken road, and this, too, during a furious New England storm, when the tops of the fences were covered with snow. A touching incident occurred at the end of his first day's journey. Weary, cold and hungry, he asked permission of a farmer's wife to warm himself and rest over night at her house. The good woman, with a mother's tenderness, led him to the fire and helped him off with his frozen shoes, nearly filled with snow, upon which his heels had rested. On being remonstrated with by her rather rough husband for the fuss she made over the "brat," and ironically advised to take him to her bed to warm him, she silenced him by these words: "I would be very much obliged if his mother was to treat my — in the same way," pointing to her own child, whose name Haskins did not hear or remember. He was well cared for, and in the morning urged to remain till the storm was over and the roads broken; but he went on, and reached home the next evening. He was now 14 years of age. Notwithstanding the hardships of his childhood, his spirits seem not to have been so much subdued as to prevent him from enjoying the ordinary plays and pranks of boyhood, as numerous anecdotes related to his children, testify.

The time allotted for reading these sketches is too short to make it proper to enlarge upon the acts of Mr. Haskins's childhood; but one or two of his pranks are too characteristic to pass without mention. I can only give the outlines, the filled-out sketches being in his own hand-writing and directed to his son, C. C. Haskins, who seems to have taken more interest in his father's antecedents than any of the rest of the family, and to whom I am indebted for most of the facts related. When the news of Fulton's steamboat first reached him, his thoughts were naturally led to the power of steam, and he at once set about to experiment for himself. Procuring the tip of an old umbrella he filled it with water, and having plugged the open end, he put the machine into the stove, lying down on the floor to watch the result, expecting to see it move. He did not have to wait long, for in due time it went off, the tip barely missing his head and burying itself in the baseboard of the room. He also succeeded

in frightening the good people of Brattleboro one evening by sending up a huge kite with a lantern containing a lighted candle and some powder. As the night was very dark, nothing was seen but the light, which, in those days was deemed portentous. It brought out the whole population, and while they were wondering what it might mean, the flame reached the powder and a loud explosion ended the phenomenon. The real nature of the prodigy was not known till 1866, when a detailed and humorous account of it was written by Mr. Haskins and published in the *Vermont Phoenix*, Brattleboro.

At the age of 16, almost the only being who had been uniformly kind to him, died. This was his brother. His mother's disposition was far from amiable, his home was not a happy one, and his brother was, perhaps, the only one to whom his young heart was strongly attached. This event produced a strong and lasting impression upon his mind during his whole life; indeed, so strong was it that the recollection of it quite unmanned him even after he was advanced in years.

He had been apprenticed to a bookbinder in Brattleboro, but he now notified his master that he was about to leave him, as he was no longer learning anything of his trade. This *coup d'état* was moreover accompanied by the assurance that if his master followed him he would get badly whipped. Doubtless this threat had the desired effect, for he was left in peaceful possession of the road before him. The then *El Dorado* to which all who could not or would not brave the inhospitable regions of New England, or whose patrimony did not attach them to her soil, was the grand, mysterious and almost fabulous "West." Thitherward he bent his course without, to use his own words, "knowing any more than we now know where that 'West' began or ended, in the vague hope of finding a home or resting-place somewhere within its bounds." A single rustic suit and some minor articles of clothing constituted his whole wardrobe, while his purse was, if possible, even more scanty in its stores. Though he well knew that all future supplies must be earned by head and hands, he seems to have felt no uneasiness for fear of want, but with a light heart and relying confidence, he bade adieu to his weeping mother and saddened circle of relatives.

He left Brattleboro by stage, through Bennington and Troy for Albany. When he arrived the street lamps were lighted, and though they only burnt oil, being the first street-lamps he had seen, they left a deep impression on his memory. There he also first saw a steamboat, and as he has left a description of the event, I shall again quote his own words :

The northern army of reserve—for we were then at war with England—was stationed at Greenbush, opposite Albany, that being the strategic point of departure for either the northern or western frontier of the State. The town was full of officers and soldiers; and the next morning, about 10 a. m., word came to the house that the steamboat from New York was in sight. She was due the night before, but had been kept back by the storms. On this there was a great rush to the boat for news. I alone went for a different purpose. I had never seen a steamboat which, since its invention five years before, I had regarded as a kind of miracle. When the boat reached her dock, the deck was promptly crowded. I went on board with the rest, and was absorbed in observation of her machinery, when, the hands having made her fast to the dock, the engineer opened the safety valve to let off the remaining steam. I was near the escape pipe, and the sudden roar sent me on deck in extreme haste, though most around me made good their landing in about the same time I did. Seeing that the boat was not destroyed by the noise, I lingered some time on the shore to look at her, but I was careful not to venture again on board.

After trying to obtain work at his half-learned trade in Albany, Troy and Waterford, without success, he took passage in a sloop for Hudson, where, after much tribulation caused by being landed some distance above on the opposite side, and having to walk to the ferry, a boy assisting him to carry his trunk, he at length arrived. He found work here with a bookbinder, who, however, after a week's trial, discharged him for incompetency. For the week's service he received six dollars. He was now placed in a trying position. New York City was the only place where any hope of employment was held out. But he was one hundred and twenty-five miles from it, and it was so late in the season that boats had stopped running, and the stages which ran along the shore only in winter, had not yet begun their season's work. He therefore sold his trunk for one dollar, and made up its contents into a parcel; putting all into a homespun overcoat, sewing up the skirt, sewing the sleeves fast to the body and buttoning it up in front, he contrived, by passing his

arms through the fastened sleeves, to make a very efficient knapsack. Thus equipped, he started on foot. Taking an early start, he accomplished twelve miles before breakfast, which he obtained at a country tavern kept by a German, eating with the family in the basement kitchen. Here he ate his first buckwheat cake, an event which he very pleasantly commemorates in a sketch entitled "My First Buckwheat Cake," but which, for want of room, I am constrained to omit. I ought, however, to add that I am indebted to this story for the account of this journey. He must have been a good walker, for he succeeded in accomplishing fifty miles that day, stopping for the night before dark. On reaching Poughkeepsie, he was fortunate enough to secure a passage in a sloop (the last in the season), and in due time he arrived at the great city with two dollars and seventy-five cents in his pocket and without a single acquaintance. He was fortunate enough to find a place at once where he could be employed under instruction to perfect his trade, his wages for the first year being one dollar per week and board.

The abdication of Napoleon and the cessation of the war in Europe, enabled England to concentrate her strength against the United States. A descent on New York being therefore feared, defensive works on Long Island were decided upon. The construction of these works was mostly the fruit of voluntary labor, performed by the citizens of New York and vicinity, in gangs which relieved each other, working night and day. These were called the "patriotic diggers," and were commemorated in a doggerel originally published in the *Philadelphia Press*, and of which a copy is to be found in the *Buffalo Gazette*, September 13, 1814. Among these unselfish patriots we find the bookbinder's apprentice.

In the absence of a regular army, thirty thousand State militia were called out by Governor Tompkins to man these works and defend the city. Here we again meet young Haskins. He was promoted to the rank of corporal, and though it appears that neither he nor any of his associate braves ever came under fire, I have no doubt but that they would have met the emergency, had it occurred. Certain it is that the conduct of Haskins was such as to draw upon himself the notice of his



superiors, for the Governor tendered him his interest to get him an appointment in the regular army. This he declined, as he did not think his education or intelligence at the time fitted him for the position. A somewhat severe commentary on the modesty of the youth of our day !

From the many interesting anecdotes contained in the written reminiscences of Mr. Haskins, which would doubtless be valuable as illustrations of the times and the conditions of New York then, I condense the following :

In 1815, when the *Constitution* captured the two British ships, the *Levant* and the *Cyane*, both were sent home as prizes. The former was recaptured, but the latter arrived in safety at New York. As she brought her own news, her arrival was a surprise. Coming in full view of the city, she commenced to fire a salute with the American flag over the British. Commodore Hull, the old hero who first made the *Constitution* famous by the capture of the *Guerrière*, was then in charge of an expedition for the suppressing of piracy. His flag-ship was the *Constellation*, and she, with several other smaller vessels which formed the squadron, was lying in front of Courtlandt Street. It was Sunday. The day was beautiful, the breeze light and a dense mass of people crowded the docks to obtain a sight of the ships, and to hear the news. Among them was Haskins. Seeing the old hero, whom he knew, in the crowd, and judging that the best way of obtaining an elucidation of the mystery was by getting near him, he elbowed his way to within a few feet of where he stood. As soon as the smoke cleared away, the signals rose, and the scene which followed must have been one not easily forgotten. Captain Hull, who was rather short and thick-set, no sooner read the signal than, forgetting everything but his patriotism, he jumped as high as he was able, enthusiastically clapping his hands, and in a loud voice cried out : "Prize to the *Constitution*, by God !" At this I stepped behind the captain and shouted with all the voice I had : "Three cheers for Captain Hull and the *Constitution* !" The crowd took up the suggestion with one accord and did it ample justice, which was prolonged by repetition again and again.

After completing his apprenticeship in New York, he first found employment in Canandaigua. Here, in 1817, he was foreman in the bookbindery of Mr. James Bemis. It was here, too, that he formed the acquaintance, which soon ripened into intimacy, with Oran Follett, who, though a younger man, doubtless exercised a considerable influence upon his future career, and who subsequently became his partner in business at Buffalo. Mr. Follett was a printer on the *Ontario Repository*.

They both remained in charge of their respective departments in Mr. Bemis's establishment for several years. I learn from Mr. Follett, to whom I am indebted for many of these facts, that they were almost inseparable in their social and literary pursuits. It will be readily inferred from the early struggles of Mr. Haskins's boyhood, that he had not found much time for going to school; in fact, I do not find any allusion to the educational advantages or disadvantages of his childhood in such memoranda as I have been permitted to peruse. It is certain that he made good use of such opportunities as offered for his mental improvement, probably devoting his leisure to reading substantial authors. That he digested his mental pabulum, is known by his habit of exchanging views on the subjects of his reading with Mr. Follett by letter. Mr. Follett had moved to Rochester to take charge of Mr. Bemis's interest in the book and printing establishment of A. G. Dauby & Co., and the two young men found mutual advantage to their literary progress in thus discussing the subject of their readings.

"In one of these letters, I recollect" (I quote the language of Mr. Follett) "he had been detailing his reading of some new essay on the authorship of 'Junius,' and gave the conclusion he had come to, that 'the chance is "Junius" was written by Sir Philip Francis.'" Mr. Follett again says: "I had commenced my career as a boy editor by writing for the *Gazette*; on my return to Canandaigua, I found my friend inspired with a new ambition. I had been writing for the papers—why not he? I left him again for Batavia, Genesee County (then embracing all of Monroe, Livingston and Wyoming Counties west of the Genesee River; and Orleans County lying east of the west line of old Genesee), to establish the *Spirit of the Times* newspaper. It is among my pleasant recollections that my friend lent me some ten or twelve dollars to eke out my remaining funds for the necessary expense from Canandaigua to my new home."

In order to learn to express with grammatical correctness the ideas with which his mind was being charged, he resolved on going to school at Canandaigua Academy, then under the care of Mr. Stevenson, and he appears even to have subsequently spent the better part of a year in Vermont to advance his edu-

cation, but, as he seems to have been reticent on this subject, I have not been able to determine with certainty the place of his sojourn. After a short residence in Rochester, whither he had gone to take charge of a bindery in the Dauby & Co. establishment, where he had commenced to write for the press, he finally moved to Buffalo, where he arrived in May, 1822; of the exact date I find no record. His first place of business was at 204 Main Street (old number), where he established the "Buffalo Book Store," which was a branch concern of his former employer, who was a partner. As soon as he was fairly settled he commenced to contribute to the *Buffalo Journal*, then owned by Mr. Day. For this he received some small compensation. The more important articles from his pen, however, were contributions to Lyman A. Spalding's paper at Lockport. This was a semi-monthly and was called *Priestcraft Exposed*. This paper was liberal in religious views, and old Cotton Mather and the witch-burners\* suffered severely at the hands of Mr. Haskins, who, at this time, professed to be a Universalist. In his contributions to the *Journal*, he found a subject for his caustic pen in the projected building of Black Rock Harbor. He fought the scheme because he believed it to have been started for individual interest rather than for public good. He urged that ordinary causes of Nature, such as currents, etc., would destroy the works, or if built strong enough to resist desintegrating elements (as with money enough they might be made to do), it would fill up in time with sediment. He alleged the well known difficulties of keeping mill dams in order as an example, but was met by the counter argument, that this was not a mill dam and therefore was not a parallel case. The record of this controversy is not extant, the files of the *Journal* for this year having been burned in the fire that destroyed the store. Time, that great unveiler of Truth, has vindicated Mr. Haskins here, for large portions of the first works were washed away, causing destruction of life and property, and when they were afterwards by a large expenditure made to stand, the gradual filling of the

\* Allusions to witch-burners and witch-burning in New England are frequent in literature; yet the modern contention is that although many were hanged and one was pressed to death, no witch was ever burned in New England. If this be true, it would be interesting to know the origin of such a widely-accepted and persistent fallacy.—ED.

harbor became a fact for dredges to remove. A paper entitled "Historical Recollections of Black Rock Harbor," written by Mr. Haskins and published in the Buffalo *Morning Express* of May 2, 1865, refers to this subject in connection with the paper on Black Rock Harbor written by Richard Williams, Esq. and read by him at a meeting of this club.

In 1823 Mr. Haskins was married to Miss Eliza Caryl, daughter of Benjamin Caryl, Esq. This lady was the sister of Mrs. Lucius Storrs, Mrs. Dr. Warner and Mrs. J. H. Coleman, and Messrs. Clark and Hamilton Caryl. The fruits of this marriage were five children, George W., Clark C., Charles H., John F., William B. and Eliza, all except the oldest now [1870] living. This union proved a very happy one, as Mrs. Haskins was a lady of excellent character and disposition, and her husband kind and considerate. Their home was a small frame house on Ellicott Street, between Seneca and Swan.

In 1826 Mr. Follett formed a partnership with Mr. Day and at once took charge of the editorial department of the *Journal*. On the 24th of July, 1827, Mr. Follett having purchased Mr. Bemis's interest in Mr. Haskins's bookstore and library, the firm of Day, Follett & Haskins was established; Mr. Follett retaining his exclusive charge of the paper.

In October, 1827, a project was started among the citizens of Buffalo to induce Captain Partridge to establish in their city a branch of the American Scientific and Military Academy, whose headquarters was Norwich, Vermont, and of which he was president. It appears that the inception of this originated with Mr. Haskins of the Buffalo *Journal*, Hon. Samuel Wilkeson of the Senate and David Burt of the Assembly. The subject was afterwards brought before the citizens of Buffalo at a meeting called for the purpose, but was abandoned or postponed because, the winter before, an Act of Legislature had incorporated the Buffalo High School Association, and though at the time of the application to Captain Partridge it lay dormant, very soon after it had been revived by a donation from abroad which had formed the nucleus of a subscription that was going on at the time the above mentioned meeting was held, and it was the sense of that meeting "that the village could not support both institutions,

at least at that time." If I am not mistaken, this was the origin of the military academy, afterwards kept in the building now occupied as the hospital of the Sisters of Charity.

The committee on behalf of the citizens appointed in this matter were R. W. Haskins, M. A. Andrews and R. B. Heacock.

On the 14th of November, 1827, the establishment of Day, Follett & Haskins was burnt. Presses and material in both printing office and bindery were all lost, as was also the most of the stock in the book store. The firm was (for the time and place) largely engaged in the publication of school books, and their plates and stock in trade were all destroyed. I believe that our respected townsman, Mr. O. G. Steele,\* was a journeyman bookbinder in the concern at the time, and that even he was a loser by the conflagration. The loss exceeded the insurance by several thousands of dollars, and the publication of the *Buffalo Journal* was by this suspended for several weeks. It was resumed again the 29th of December, and it became in time, by the consolidation with the *Buffalo Patriot*, the germ of the present *Commercial Advertiser*, and may be said to exist even now, under its new name, *The Patriot and Journal*, as the weekly publication of that paper.

In 1831, March the 31st, the firm of Day, Follett & Haskins, printers, book-sellers and book-binders, was dissolved, Mr. Haskins retaining the bookstore and bindery. The new store was situated on the east side of Main Street in what is known as Ellicott Square.

In 1832 Mr. Haskins sold out to the late A. W. Wilgus. Having thus retired from mercantile pursuits, he resolved to turn his attention to the cultivation of his mental powers and the pursuit of scientific studies so congenial to his tastes, and to devote his time and talents to public good. In this last field he found immediate employment. The year 1832 stands out in the calendar of the past marked with heavy black lines, not only in the history of Buffalo, not only in that of America, but in that of the world! It is one of the fearful epochs of history, for it was the year when the gloomy shadows of the dark wings of Azrael seemed very near; when one of his most dreaded agents stalked abroad in

\*Died November 11, 1879.—ED.

the ghastly and loathsome form of the Asiatic cholera ! Honor to whom honor is due. All honor to Roswell W. Haskins ; for it was during this fearful scourge that his really noble nature showed to the greatest advantage. I would not undervalue the labor of his coadjutors—they did well—nobly—the work required of them ; but so untiring was the zeal of my lamented friend, so fearless was he in his daily encounter with the evil that it were public ingratitude to refuse the amaranth to his memory, and sacrilege to tear it thence. Day after day, hour after hour did this faithful man visit the sick, dying and dead. Comparatively little was known even by physicians of the nature of the disease and the hygienic requirements, but such as general principles demanded were attended to by his constant personal supervision. In this he was greatly aided by Mr. L. F. Allen, his coadjutor, and by the late Loring Pierce, then city sexton.

If in this sketch I manifest an anxiety to bring out the good traits of Mr. Haskins's character it is because I fear they were too often hidden under his rough exterior. Those who did not know his inner life, or who only knew him late in his life, saw in him only an overbearing, dictatorial egoist. True, they could not deny that if he was not a savant, his knowledge was extensive, accurate, and varied, his purposes good, and his honor unquestioned, but they did not all know how tender was the heart that beat under his outside crustiness. All could see the objectionable points of his character ; indeed, he took too little pains to hide them. I am not writing the history of the cholera, nor do I wish to claim that Mr. Haskins was the sole agent in arresting its ravages in Buffalo. I know that there was a Board of Health, and that it had its regular sittings. This Board consisted of Dr. E. Johnson, the Mayor, *ex-officio*, R. W. Haskins, L. F. Allen and J. Clary. The late Dyre Tillinghast, at a salary of \$50 per month, was clerk of the Board, and those who knew him need not be told that he performed his duties in a thorough and satisfactory manner. Dr. J. E. Marshall was health physician, and the reports to the Board testify to his efficiency. Indeed, there was no lack of devotion on the part of the honorable and self-sacrificing profession to which he belonged. All had their hands full, as their reports show.

These documents were sometimes addressed to the Board of Health and sometimes to Mr. Tillinghast, as its clerk, but all were referred to Mr. Haskins, and are now among his papers. There can be no doubt, therefore, that the principal burden was permitted to fall on him, though valuable aid was rendered by both Dr. Johnson and Mr. Allen.

As many grave responsibilities were assumed when occasion demanded, an Act by the city authorities endorsed the acts of the Board, and a vote of thanks became their sole reward. Mr. Haskins was requested to write a sketch of the history of these dark days, but declined on the ground that he could not do so without making himself too prominent.


In 1833, Mr. Haskins and Dr. Clark became equal partners in the purchase of what was then known as the Pratt and Leach farm. This eventually proved a source of much annoyance to them both. As the matter is so well known to those of our citizens who take an interest in such things, and as, besides, its full history is to be found recorded in the minutes of a rather costly and prolonged lawsuit, I have concluded to omit more than a mere allusion to it here. They were partners in the suit, and suffice it to say that by its conclusion Mr. Haskins's heirs have been put into possession of property, which, when freed from incumbrances, will leave a fair, if not a large inheritance.

Shortly after this purchase, Mr. Haskins effected two sales, the joint product of which was nearly \$70,000, less than \$13,000 of which he ever realized. Always sanguine and by nature disposed to look on the bright side, he at this time thought himself possessed of sufficient income, not only for his simple wants, but even for the gratification of his desires in the promotion and pursuits of practical science with which his ever active brain was teeming.

He now devoted his time mostly to the pursuits that were congenial to his tastes. Although in his mental cravings he was omnivorous, he best loved scientific pursuits. He seems, however, never to have devoted himself to anything for itself. His was the spirit of the true philosopher—the desire that mankind might be benefitted by the general result of all knowledge.

In the pursuit of his studies he was met at the threshold by an unlooked-for obstacle, viz: a dearth of books in the English language. Not that there was not enough of books, such as they were, but he often found them erroneous and biased as to facts, if original, and if translated, perverted to suit the taste of the English nation. This was particularly his opinion as regarded translations from the French, and he, therefore, set about to master their language sufficiently to read their works in the original, and thus have the benefit of their valuable contributions to art and science, especially those inestimable papers read before the French Academy of Science, and published in the *Comptes Rendus*, a periodical to which he became a regular subscriber.

The history of the French Revolution had exercised a powerful influence in forming his habits of thought; though never a politician, he was by nature a democrat. His generous nature rose against every species of oppression, and history had informed him that the "divine right of kings" was only another name for the arbitrary sway of the powerful over the weak. Especially was he an enemy to anything like a privileged class, and because the clergy had generally been firm supporters of thrones, he classed them among the oppressors of mankind, and enemies to freedom and self-government. He learned to look upon religion as opposed to science, and indeed the pious Christian zeal of half a century ago was often engaged in defending the Holy Book against that bug-bear. Had Mr. Haskins commenced life under different auspices, his opinions on religious subjects would doubtless have had a different bias. Had his search for truth been led and fostered by a Christian intelligence, like that of our day, when religion and science are no longer afraid to go hand in hand, instead of meeting each other with the jealous frown of opposition; had intelligent and kind-hearted friends showed him that God is love, and that true Christianity consists in love to God and charity to man, rather than in a strict adherence to a dogma; had his combative nature not been goaded to defiance by a manner which ever said to the honest doubter: Stand aloof, I am holier than thou; his natural purity of character and correctness of purpose might





have led him into the ranks of Christian investigators, instead of forcing him as it were, to look with distrust upon everything which rested its claim upon the supernatural. Unhappily, however, he found the so-called orthodox church, in his youth, almost a unit in branding free inquiry into the mysteries of nature's origin, with a stigma of infidelity; and in his turn, he learned to regard its ministers as men who either feared the truth, or chose to live and teach in wilful ignorance. God alone can judge of our motives, but it is certain that with the exception of occasional outbursts of passion and consequent sinful language, the habitual life of this skeptic cried shame on many who professed to believe the Word of God.

I do not know whence his marked dislike to the English, or rather the Anglo-Saxon, race proceeded. It probably had its origin in a variety of causes. Doubtless in part it was inherited from his Revolutionary ancestors, and fostered by his own participation in, and surroundings of, the War of 1812, together with the political issues of that day; but I suspect that not a little was due to the insolent tone of the English press, and the execration their writers lavished upon the authors of the French Revolution, and their misrepresentation of the motives of men whom he regarded as high-toned and pure-minded patriots. He did not, it is true, deny that much credit was due the British nation for the advances made by her poets, philosophers, and scientists, but he stoutly insisted that in this the honor was due to the Norman and Gothic races, while none was to be accredited to the Anglo-Saxons.

While pursuing his studies in French and the natural sciences he received valuable aid from Dr. Lucien W. Caryl, once a partner of Dr. J. E. Marshall. Dr. Caryl was too much absorbed in the study of mathematics—in which science he was not only greatly proficient, but is said to have had few equals—to be an available practitioner, and the partnership did not long continue. It was his desire and purpose to pursue, uninterruptedly if possible, his favorite study. In this he was aided by his friend Haskins, who supplied him with the necessary books and instruments; some of which, such as La Place's "*Mechanique Celeste*," were of considerable value. Mr. Haskins and the

Doctor occupied rooms together on the corner of Main and Seneca Streets, over what was the "Checkered Store." I have heard Mr. Haskins say that they, at this time, were endeavoring to construct a lens for astronomical purposes, which was to be double and contain a highly refracting liquid, and, if I mistake not, it was intended to do away with spherical aberration by making its form parabolical. But Dr. Caryl's principal work was on a mathematical formula, which was intended as an amplification or addition to La Place's great work, and was to appear in the form of notes. It was the intention of Mr. Haskins to provide for the Doctor's necessities during his labors, and to aid in the publication of the work when completed. The death of Dr. Caryl prevented the accomplishment of these generous intentions, as well as the completion of the book. The manuscript, after remaining in the possession of Mr. Haskins, was, about a year before his death, handed over to the author's daughter. About the same time he was thus engaged, Mr. Haskins provided himself with a library, which, it was his boast, contained not one useless book. Indeed, though not large, it was one of the best, if not the best, in the city, if utility be the test. Many of these books were imported direct from France, and all were selected with great care.

One of our oldest, best and most honored citizens, who, thank God, is still living,\* told me the following anecdote which I think is due to the memory of Mr. Haskins to relate here. The gentleman to whom I refer came to Buffalo about the time that Mr. Haskins and Dr. Caryl were busy together, and as his own pursuits had been of a similar nature to the Doctor's, he sometimes called at the office to while away a moment in pleasant conversation. Understanding that Mr. Haskins wanted a copy of the Edinburgh Encyclopedia, then just republished in the United States, he told him one day that he was short of funds and would sell the book to him for \$100. Mr. Haskins's reply was: "You seem to me to be a man that can make good use of the book yourself, and I think you had better keep it"—at the same time stepping into an adjoining room, from which

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\*Dr. W. K. Scott, died January 5, 1879.—Ed.

he soon emerged, putting \$100 into the hands of his visitor with words to this effect: "Here is the money, if you become prosperous you can pay it, and if you don't, I shall never be the worse for it." The loan was thankfully received, and I need not add that it was paid with interest. This act, however, toward a stranger who did not at the time reside in the city, was one of uncommon generosity, and was always remembered with gratitude.

Mr. Haskins was chairman of the meeting of citizens who organized the present Young Men's Association. During a religious revival a call had been published by some of the citizens for this purpose. Fears seemed to have been entertained by some that an effort was to be made to place it under sectarian influence, and this they resolved, if possible, to prevent. The meeting having been called at the court house at seven o'clock p. m., a goodly number were on hand before the hour appointed, and no sooner had the clock on the First Church ceased to strike seven than those present called the meeting to order, placed Mr. Haskins in the chair, and appointed a secretary. Scarcely was this accomplished before some of those who had originated the call made their appearance. These, after protesting, withdrew, calling another meeting, which, however, was not sufficiently numerous to warrant further proceedings. The above is a condensed account of the matter in a letter of Mr. Haskins to one of his Ohio sons. In this relation he gives no names, but he adds that most of the disaffected eventually became members of the Association.

In 1836 Mr. Haskins became a widower, and by temporary absence from the scene of his sorrow, to lessen it, made a visit to New England. He was at this time in a condition to assist his relations, who I believe were most of them, if not all, in straitened circumstances, and he did so to the full extent of his ability.

He was the first who held the office of Superintendent of Public Schools in our city. The appointment, under the old State law, was made by the Common Council, and the notice read as follows:

BUFFALO CITY CLERK'S OFFICE, Jan. 10, 1837.

SIR—At a meeting of the Common Council, on the 9th instant, you were appointed Superintendent of Common Schools.

I am, Sir, your obedient servant,

T. C. PETERS, *Clerk.*

Finding that his powers under this instrument were too limited to effect the needed reforms, he, after a few months' trial, resigned the office. In his letter of resignation he threw out some valuable suggestions, which were afterward incorporated in the new State law, under which his immediate successor, Mr. O. G. Steele, was enabled to be so useful, and which has been so valuable to the educational interest of not only the State of New York, but has even, if I mistake not, served as a model for many other States. It is pleasant to remember that this prompt resignation of Mr. Haskins, and the advice accompanying it, has aided in this happy consummation.

One of the most important of Mr. Haskins's papers on scientific subjects was probably written this year. It was entitled "Examination of the Theory of a Resisting Medium," in which it is assumed that the planets and comets of our system are moved. It first appeared in *Silliman's Journal*, January, 1838, and is the first article in the number. His aim in this was to show that the existence of this supposed fluid was not proved. Especially did he point out that comets' tails were not, as had been claimed by some of the most learned, invariably projected from the sun in a direct line drawn through the center of that luminary, and thus the arguments for the presence of this "resisting medium," based on this assumption, he proved to be of no value. He did not attempt to settle the question, but I think he made good his point: that more convincing proofs were needed to make the theory an established article of scientific creed.

In August, 1839, the honorary degree of Master of Arts was conferred upon him by the University of Vermont. The letter which announced this honor concludes with the following words: "Praying that your labors in the cause of science may be eminently successful, I remain, with high regard, very truly yours, etc., John Wheeler, President."

In the same year he published his "History and Progress of Phrenology," a work of more than 200 pages octavo. This book was based upon two lectures on the history of phrenology, delivered before the Western Phrenological Society at Buffalo in April and May.

In 1840 Mr. Haskins again married. This second wife, whose maiden name was Emma Stowe, was the widow of John T. Daly, of Cleveland, Ohio. One daughter was the sole fruit of this union. She bears her mother's Christian name, and was, not long before her father's death, married to Mr. Truman C. White. Mrs. Haskins survives her husband. I am tempted to eulogize the worth and domestic virtues of this lady,—but to those most interested it would seem strangely superfluous, since every day she is permitted to remain on earth only endears her to them more and more.

In 1841 he published his "Astronomy for Schools." This is a volume of 324 pages, based upon Arago's lectures at the Royal Observatory of Paris. In it, as may be read upon the title page, the author professes to teach the leading truths of astronomy, and clearly illustrate them "without mathematical demonstration." It was intended for a text-book in schools, but, although an interesting and highly instructive treatise, it failed to become so, and yielded no remunerative return for the labor expended.

A popular essay on comets followed in 1842, and the same year he wrote a series of letters on New England and the West, for the Boston *Atlas*. These were republished in pamphlet form in the following year.

"Anterior to Greece and Rome" was a pamphlet written in 1844, and in 1846 appeared his critical essay on "Hazlitt's Translation of Guizot's History of Civilization." In December, the same year, he wrote a letter to M. Guizot, and received a complimentary reply from the great philosopher, dated February, 1847. I have not critically reviewed this essay, but from the glances I have been able to bestow upon it, I have no doubt that the author's sense is better preserved by Mr. Haskins in the specimens which he presents for comparison, though I have detected some errors from which the translation of Mr. Hazlitt is free.

With the exception of short periods of editorial labors, of which mention will be made hereafter, the last fifteen years of Mr. Haskins's life were spent in scientific and philosophical pursuits and in endeavors to turn his varied knowledge into practical use. In this, I regret to say, he was generally unsuccessful. He was fond of observing the phenomena of nature, and often spent his nights in watching meteorological exhibitions, or with his telescope scanning the sidereal heavens. He gave most of his attention, however, to geology, and not only was he perfectly at home in this department of science in his own neighborhood, but whenever he went away from home he sought familiarity with the treasures of knowledge with which the surface of the earth abounds. Unlike the pure scientist, however, he was ever trying to find a way to turn the mysterious agencies of nature to some practical use. A handful of silicious sand was not only a geological fact to be recorded—remunerative and extensive glass-works rose before his mind's eye. Did bubbles of carburetted hydrogen rise up in a fissure of a rock, or in a swampy spring, they became angels of light that were to do battle with those hated demons of monopoly, the gas works. It is true that he was too sanguine, that some of his plans were, if not really impracticable, hedged about with so many practical difficulties which he would not or could not see, as to make them virtually so, but not unfrequently did he anticipate by many years improvements of great value. An instance of this was the suggestion of adopting the plan of using iron columns as supports for buildings, instead of stone. This idea was suggested by a small foundry having recently been started in Buffalo. He wrote an article proposing the plan, but according to his own statement it was treated with contempt. The variations of the temperature, his contemners said, would disintegrate the iron, the buildings would fall, life would be lost or endangered, and lots of mischief done through the foolish whim of Haskins. It also appears that he was in advance in proposing a through line of railroad from Buffalo to Albany. As this subject is of so much general interest, I will allow him to tell his own story. He says:

When railroads were yet scarcely known in this country, I drew up a circular addressed to the inhabitants of the various villages along the route, requesting their co-operation in procuring a charter for a railroad from Buffalo to Albany. This was printed, and sent, in the name of a committee, to all the towns along the line; and it was everywhere treated with *silent contempt*, except in a single instance, and in that case a most insulting and abusive letter was sent to our committee, calling us vile names, and characterizing the proposition as one of marked stupidity. Well, just ten years from the day of that event, there was opened a continuous railroad from Buffalo to Portland, Me. I have the original manuscript now of the circular.

The subject of lighting houses and cities also engaged much of his attention. I have hinted at the interest he took in natural gas, and his plans for utilizing it were formed upon a magnificent scale. These were based upon the supposition that the supply was unlimited, and of this he entertained scarcely a doubt, since, according to his theory, this and other kindred wonders of geology were the results of nature's chemical laboratories on the grandest scale. He had even thought of making electricity perform the office of supplying man with artificial light, but he did not succeed in determining the practicability of this, owing to want of means in his experiments. This project seems to have been thrown out as a hint, and he thought the importance of the result, if successful, would warrant some expenditure to ascertain if it were feasible. Another of his suggestions related to the protection of ships from lightning, but I have not learned whether any attempt was made to ascertain the value of his plan. Suffice it here to say that his mind constantly teemed with schemes for utilizing the discoveries in science and knowledge. It will be readily remembered by all who hear me, how interested and sanguine he was when the oil regions of Pennsylvania were re-discovered. Here he hoped to find the means for future usefulness. He became personally interested in the search, himself superintending the boring of wells, and, with the enthusiasm and the hope of youth, labored both with hand and brain in the attainment of the realization of his hopes. Alas! like many—like most—he failed. His exhausted means and credit forbade further attempts, and he returned to Buffalo—a disappointed, stricken man. I think this blow sensibly affected his spirits; at all events in my subsequent intercourse with him, which was

always pleasant, he seemed subdued. True, he rallied and interested himself in other enterprises, but only to meet fresh disappointments. Though Mr. Haskins had been an irregular contributor to newspapers, since his connection with the *Patriot and Journal* ceased, he had not been attached to the editorial staff of any till 1845, when, together with his son George, and John C. Bonner, he commenced to edit the *National Pilot*, owned by the late B. A. Manchester. He continued in this position till a change in the policy of the paper obliged him to sever his connection with it. Some years after this he was one of the editors of the *Morning Express*, and some of the articles which he wrote for this paper were those upon which he bestowed most thought and pains. His style as a writer was terse, though simple and straightforward. But, in discussing a subject, his opinions were uttered with a directness which was more calculated to stir up opposition than to convince. He scorned as subterfuge that kind of circumlocution which is intended to save the *amour propre* of a vanquished opponent, and thus win him to an acknowledgment of the right, based on the proper view of the facts. In short, whatever of wisdom he possessed, none of that of the serpent was mingled with it. Perhaps in this, as much as in anything, lay his weakness. In oral controversy, though love of approbation was a marked trait in his zeal for what he deemed the right, he never stopped to consider in the heat of a discussion how offensively he framed his language. His large frame, flexible and expressive features and contemptuous gestures added much to the force of his speech, giving it a harshness that was foreign to his heart. This was often proved by the manner in which he received a well-timed and proper rebuke from anyone whom he really liked and respected. The following anecdote is one of many instances in point:

Many years ago, Mr. Haskins and a friend casually met, one morning, in the reading-room of the Young Men's Association. His friend, going there to read, and knowing Mr. Haskins's propensity to converse, at first seemed not to notice his presence, but after a time, feeling that civility required that he should do so, called Mr. Haskins's attention to a paragraph about England,



which he thought would please him ; but on reading it, Mr. Haskins became personal and offensive, whereupon the friend, with some spirit, said : “ Mr. Haskins, this must stop. I have borne it quite too often. In the expression of your views you are overbearing and unfeeling—and this is not my opinion only, but that of all with whom you converse.” The friend was prepared for an explosion, but was amazed and entirely disarmed by Mr. Haskins disclaiming, with tears in his eyes, any intention to be offensive, and asserting his utter unconsciousness of having been so. “ And as to others,” said he, “ the fault is theirs, not mine. When I was supposed to be rich, my opinions were treated with respect, but now that I am supposed to be poor, my opinions and feelings are overborne and disregarded.” It is needless to add that Mr. Haskins and his friend, after a lengthened and pleasant conversation which passed to other topics, parted in perfect kindness, and neither ever afterward alluded to their momentary difference.

He at one time conceived the idea of establishing a newspaper which should furnish continental European news direct and unadulterated by what he conceived to be English perversion. In this he did not receive the support he had hoped for, and was besides subjected to gratuitous attacks by some members of the press, ridicule rather than argument being the weapon used. This, and the contempt with which most of his projects were treated, together with his straitened circumstances, had a tendency to sour his otherwise cheerful disposition and to cause him to avoid society.

The discovery of the mineral wealth of California was a subject of great interest to him. In 1850 he wrote and published his well-known essay on gold. He took the ground that the precious metals used for money owe their standard value to old usage and legal enactments ; that money, therefore, is property in a different sense from that of any other commodity ; that gold and silver, early in the history of the world, had been chosen as standards of value of circulating media on account of their scarcity, being then the results of fortuitous discovery without the aid of science ; that their power over labor was due to their being in the possession of so few ; that in the earliest

history of the world this power was greatest, and had gradually decreased as the supply became greater and mankind more free; that they still had an undue preponderance over labor, and that an abundant and inexhaustible supply would eventually destroy their power. He believed that the mines of California would furnish this supply, and that the time was not far distant when the value of the use of money would be reduced; when it could no longer atone for violated laws or outraged morals, when toil would be more equally distributed among men, and the world grow wiser and better. I am too little acquainted with the science of political economy to judge of the real merit of these thoughts. I know they are and were received with scornful incredulity by some, but I submit that it would be premature to say that this consummation, which all good men should wish for, may not form a millennial future of another though remote era.

Mr. Haskins published another essay in 1852. This time the subject was Art. Though well written and novel in its suggestions, it was of too impracticable a nature to win favor with those for whose perusal it was chiefly written—the artists. I will, therefore, content myself with the bare mention of it.

In 1857 George W. Haskins died. Though Mr. Haskins bore this blow with outward stoicism, it was a crushing one, for not only was George his first-born, but his genius as a writer was of so high an order that his friends had every reason to believe that scarcely any hope might be too high of his future distinction. He added to this a genial temper, gentle manners, and a high sense of moral rectitude. “None knew him but to love him.” He was one of those choice spirits who in the hearts of their friends will ever be immortal.

Though in former years Mr. Haskins was a Democrat and a firm believer in Gen. Jackson, in the latter part of his life he acted with the Republican party. He was never a politician except in the larger and more dignified sense of the word, never sought office, nor would he have given such pledges as would have made him an available candidate for party. He was an independent thinker on all subjects, and consequently in perfect harmony with no fixed creed. During our late Civil War, his sympathy and aid were on the side of the existing Government.

Especially did he take great interest in the naval warfare of the Mississippi and its tributaries. He spent a good portion of his time at New Albany, Ind., watching the process of the building of some gunboats projected, to some extent at least, upon a plan suggested by our whilom townsman Rollin Germain, Esq., whose theory of naval architecture he strongly advocated. He was also occasionally employed in geological investigations connected with mining. Indeed, he was seldom idle, though he doubtless disliked the routine work of employments that did not suit his taste, and therefore seemed an idler to the regular business-man. He was fond of conversation, and when this did not take a controversial turn there were few who could better entertain his friends in that way. His fund of anecdotes and talent for story-telling will be readily remembered by the habitués of Wilgus's bookstore, or later in Mr. Steele's, where the "Buffalo Platform," as it was facetiously called, was erected. Mr. Haskins always took great pleasure in the encouragement of youth, in their endeavors to cultivate their talents. Thus was young Wilgus, the artist, a special object of his kind offices. Indeed, the lad received his first box of good water-paints from Mr. Haskins, and was afterwards in many ways benefitted by him.

He also materially aided by his advice and instruction the young men whose organization, under the name of the Lyceum of Natural Sciences, served to some extent to prepare the way for the present Society of Natural Sciences. It is true these associations had separate origins, but the first-named being merged into the other, their small collection became the nucleus of its well-arranged and important museum. Mr. Haskins was made an honorary member of the Society of Natural Sciences, and never omitted to do what was in his power for its advancement. He seldom if ever visited an interesting region without bringing back some specimen for its shelves, and never ceased to exercise a fostering care over it to the best of his ability. He also contributed to enrich other kindred institutions with his "treasure trove." Agassiz's museum, that of Yale, Salem, and many others were severally indebted to his intelligent zeal, and there is not a quarry within come-at-able distance that has not been resonant of his hammer. On trips for these purposes it was

an invaluable privilege to be his companion. All his angularity seemed to be reserved for the polish of the city. In the country or in the quarry he was uniformly gentle, amusing, instructive, in short, delightful. As an amusement, he was fond of fishing. But unless success crowned his efforts he was not always as patient as an angler ought to be. We were one beautiful summer afternoon out in the lake in a boat together, fishing for black bass. I had a nice rod, reel and delicate snooded hooks; he was using a hand-line, strong enough for whales, and hooks to match. With this kind of gear he had been successful in olden times, when the finny tribe were in their savage condition. He did not realize that they had become educated in finesse by the wily arts of the white man. After waiting a good while for a bite he began to grow restless, and at last he growled out: "What is the good of that pole in this depth of water?" I told him I thought I could fish better with it. Incredulous silence was his reply. Soon, however, I had a bite and caught a fine fish; another and another, and still another, followed in quick succession, while not a nibble could be felt on his hook. To his everlasting credit be it said that he made no effort to throw me overboard, but only remarked as we were going home, "I believe there is something in the pole after all."

Thus have I, to the best of my ability, endeavored to trace, as rapidly as possible, the outlines of the life of my friend till the last two or three years of his life. These were mostly spent in alternate sojourns among his children in Indiana or Missouri, and with his family in Buffalo.

The last of his literary labors was a small pamphlet on Central Heat—showing that the doctrine is not founded on such facts as entitle it to be received in science. Indeed, he always advocated the doctrine of a solid center of the earth. He also translated several papers from the *Comptes Rendus*, for *Silliman's Journal*. One was by Poisson, on the coal formation, and I remember another by the same author where a mathematical line of argument is used against the central heat.

Some men are so constituted that only abstractions interest them. They use their money and talent in endeavoring to comprehend causes, and discovering general laws. Others are

wholly practical, and comparing the former by themselves, they pronounce them dreamers, drones of society, even while they accumulate wealth by turning *their* thoughts to remunerative account. It is not that the former despise wealth—far from it; they are made painfully conscious at every step of their investigations of its value, but they cannot love it for itself. They cannot worship the golden calf. They look upon wealth as seed to be sown broadcast, that from it may spring up and blossom the hesperidean fruits of Art and Science, the ambrosia which shall make man's nature more and more divine. The pure scientist, or the abstract benefactor, is too prone to judge harshly of his brother who will not easily part with dross it has cost him so much anxiety and labor to accumulate. There is a third class that combines to some extent the elements of the other two. These are the successful leaders of public enterprise; they mould the hypermundane idea of the theoretical thinker into a form which adapts it to worldly use, and their own success is a guarantee to the worshipper of Mammon, that good use will be made of the means which public opinion, or his own conscience, compels him to disburse. Substantially Mr. Haskins belonged to the first of these, and yet so desirous was he to benefit his kind that he would have resented with indignation the slightest intimation that he was a *theorist*. His was a singular mixture of the elements of human nature, but honesty and benevolence were the subsoil of all. He took too broad a view of the world, and desired too much the good of all to attach himself strongly to individuals. It follows naturally that individuals did not attach themselves to him. It perhaps followed that he should often be misunderstood and even hated. There is nothing new and strange in this. He had labored to cultivate his mind, had led a pure life, had labored honestly for public good, had been an important agent in forming the manners of his adopted city and in making it respected, had held important and self-sacrificing offices of public trust and responsibility without compensation, followed an honorable line of conduct through life, and he felt that he had deserved respectful treatment from his fellow-citizens, a tribute which he believed, had he been successful in accumulating wealth, none would have denied him.

In personal appearance Mr. Haskins was fine-looking. He was above the medium height, strongly made and well proportioned, with a slight inclination to corpulency. His head was large and well-shaped. His hair was gray, worn rather long, and brushed or rather pushed back from the face all around. His eyes were brown and deeply set. Being near-sighted he wore spectacles, always of silver and with a straight bar between the glasses, on account of the flatness of the upper part of his nose, which at its lower end was quite round and inclined to turn up. His mouth was rather large and capable of great expression; especially was it sweet in its smile; the chin was rather square, but well formed; the complexion fair, but browned with exposure to the outer air. His habitual expression was thoughtful but good-natured. He was through life a model of temperance in everything. He never used intoxicating drinks, or tobacco; was regular in all his habits, punctual to meals, frugal without meanness. With a good constitution it was to be expected that his health should be uniformly good; still he had his ailments, for which he used homœopathic remedies, having paid much attention to this system, and being a full believer in its efficacy. He had had on one or two previous occasions symptoms akin to those of the disease of which he died (dry gangrene), which had yielded to treatment. The time came at last when his spirit could no longer occupy its tenement of earth, and after a short illness, being confined to bed but a few days, on Saturday night, the 15th of January, 1870, he calmly expired.

After a troubled and prolonged earthly probation, peculiar in its trials, let us hope that his active, virtuous and benevolent soul has found at last the only path that leads to true science, and that along that path his free spirit may be guided by angelic wisdom to the Throne of God!

# NATHAN KELSEY HALL.

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PAPER READ BEFORE THE SOCIETY MARCH 30, 1874.

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BY HON. JAMES O. PUTNAM.

The early days of March, '74, will long be associated with National bereavement and sorrow. An ex-President, universally honored, and his first friend and chosen associate in the conduct of the Government, both brought into the most responsible of human relations at a period in our history almost revolutionary, both conservative by temperament, by habits of thought, and by that awful sense of responsibility which rejects the impulses of enthusiasm for the guidance of a passionless judgment; paying their highest political homage to Constitutional obligation as the basis of all faith between States, and the strongest bond of Federal Union, were summoned from our midst in startling succession.

While we were paying the last offices to our own great dead, fell in his high place in the National Capitol, a son of New England\* born to fortune, born to education and to the rarest culture of the rarest gifts; endowed with genius, and courage, and a love of his race, which inspired a long and illustrious career that will keep his name in grateful memory so long as freedom is precious and slavery hateful to mankind. Viewing some of the great questions of their time from different points of observation and responsibility, yet seeking a common end—the advancement of the best interests of the country and the human race—each discharged his duty with a conscientiousness and

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\*Senator Charles Sumner.

patriotism worthy the Golden Age of the Republic. This sad time is not without its lessons, and to those who deprecate the injustice of partisan controversy, not without its consolations.

You have devolved upon me the office of preparing a sketch of the life and character of Judge Hall. Happily he has left a brief autobiography of his early years, designed for his family only, but which I have been kindly permitted to consult for the purposes of this paper.

Nathan Kelsey Hall was born in Marcellus, Onondaga County, New York, March 10, 1810. His father, Ira Hall, son of Doctor Jonathan Hall, a practicing physician of that town, resided with Nathan Kelsey at the time of his son's birth. Of Mr. Kelsey, Judge Hall speaks as "a substantial farmer in the best sense of the term, a man of strong mind and excellent judgment, unswerving integrity and wise benevolence." In the family of Mr. Kelsey young Nathan lived until about 16 years of age, and was to them as a son. The autobiography to which I have referred, speaks of his relation to Mr. and Mrs. Kelsey in terms of filial affection. They manifested the deepest interest in his welfare and watched his career with satisfaction and pride. His educational advantages were such as were afforded by the district school, in which he was thoroughly instructed in the primary elements of our English education. His teacher for several winters was the late Moulton Farnham, Esq., of Attica, an excellent lawyer and estimable gentleman. When not in school he assisted on the farm in the usual occupations of a farming lad.

In 1818 Mr. Hall's father moved into Erie County, settling permanently in Wales, where he followed his trade and kept up a small farm. In 1826 young Hall took his adieu of the Kelseys and went to live with his father. Says the sketch, narrating this part of his history, "I parted from Mr. Kelsey, tears streaming from the eyes of both of us, and was soon on my way to the West." He was for a few weeks, after rejoining his father's family, a clerk in the store of Alba Blodgell, in Alexander, Genesee County. His father was a leather and shoe manufacturer, and Judge Hall makes a playful reference to his own attempts in those arts. "After my return from Alexander," he



writes, "I remained for a time at Wales working part of the time in a sugar orchard and the residue in the shoe shop, where I soon learned to tap coarse shoes and boots in a very coarse way. I believe I even succeeded in making a pair of small and very coarse shoes. Still I can boast of no great success as a son of St. Crispin, and when I left the shop there was no very serious violation of the good old adage, 'Let the shoemaker stick to his last.' "

Efforts were at this time made to secure him a situation in a store at Aurora. They failed, and then application was made to Millard Fillmore, at that time a practicing lawyer at Aurora, to take him as a student in his office. Here was the turning-point in young Hall's life. The failure to secure a merchant's clerkship gave the nation the statesman and jurist. Mr. Hall gives the following account of his entrance upon his new vocation, and of his occupation and early struggles :

On the first day of May, 1826, I left the tan-yard and the shoe shop for the law office. Mr. Fillmore had a small office, a well selected law library of about one hundred and fifty volumes, and a village library of about one hundred and fifty volumes was kept in his office, he being the librarian. Mr. Fillmore was then 26 years old and not yet admitted to the Supreme Court. His business was small, and when not employed in writing I spent my time in reading very assiduously such law books as he directed and such miscellaneous books from the village library as his or my judgment approved. In this way I spent six months in his office, and then took a district school about three miles from my father's and taught it for three months at \$11 per month, probably as much as my services were worth. At the end of the school term I returned to Mr. Fillmore's office, a wiser, if not a better youth, and again entered upon my legal studies. I continued my studies with great assiduity, being sometimes employed as surveyor by private persons and by the Commissioners of Highways at \$1.50 and \$2.00 per day. Mr. Fillmore was glad to render the same services for the Commissioners of Highways and citizens of Aurora.

Who could cast the horoscope on that eventful first of May and foretell the fortunes of those two, both poor, both unknown and unpatronized, neither with any dream that the future had anything for them beyond honorable, independent and comparatively obscure lives. The one but a few years out of his apprenticeship to an honorable and useful trade, and the other from the farm and shop, and there beginning an association

which should stretch out through almost half a century, culminating in a mutual friendship that knew no waning, and bearing them together to the highest seats of power and honor. Viewed in the light of their career and of the sad pageants of this month of March, that morning scene is most suggestive.

I find in a memorandum book which young Hall opened on the day he entered Mr. Fillmore's office the following entry :

Clerk and student at law in M. Fillmore's office, Aurora. Motto—Integrity, industry and perseverance, will lead to honor, riches and universal esteem.

JULY 4, 1829.

N. K. HALL.

This motto is repeated and so emphasized on another page. It is worthy of Franklin, and furnished the key-note of his after life. In the sense in which he used the term "riches"—independence—his life was an illustration of his motto.

Mr. Hall continued with Mr. Fillmore in Aurora, teaching school winters, surveying as opportunity offered, and so continued until July, 1831, when he entered the office of the Holland Land Company as clerk under the late Col. Ira A. Blossom, the local agent. He remained in this new relation thirteen months, still keeping up his legal studies during leisure hours. Of Col. Blossom he speaks in grateful terms as one of his warmest friends. On the 15th of November, 1832, Mr. Fillmore invited him to a partnership, Mr. Hall having been admitted to the bar as attorney and solicitor the July preceding.

With the formation of this partnership we find him fairly started on his professional career, fully equipped by character, by application to business and capacity for work, for all the success he could fairly win. He was soon selected for various local trusts. The list of his early official positions is a high eulogium on his character and qualifications. From 1830 to 1840 he held at some time the following offices :

Deputy Clerk of Erie County ; Commissioner of Deeds for Buffalo ; Clerk of Board of Supervisors ; City Attorney in 1833 ; Chairman of Board of Supervisors ; Master in Chancery, 1840 ; Taxing Master of Eighth Council ; Alderman of Fifth Ward of Buffalo, 1837-38 ; and Major and Judge Advocate of Fourth Brigade.

In the year 1839, Mr. Hall, having been appointed by Governor Seward, Master in Chancery, formed a partnership with O. H. Marshall, Esq., which continued one year. In 1842 he formed a partnership with Dennis Bowen, Esq., which was dissolved in 1850. But previously to these later relations, and on the 10th of January, 1836, was formed that professional Triumvirate which has become historic, and which was destined to a controlling interest both in the State and Nation. The law firm of Fillmore, Hall & Haven was then organized, Mr. Fillmore being just thirty-six years of age, Mr. Hall twenty-eight, and Mr. Haven about twenty-six. I doubt if the history of the country affords a parallel instance of three young men so associated professionally, with none of those aids which established family position, or wealth, or liberal education are supposed to give, attaining severally such professional and political eminence, and that without jealousy of each other, and with the most perfect loyalty to their mutual friendship. Each brought to the common stock talents peculiarly his own, and all were able lawyers.

Will you permit me to linger a moment over the memory of Mr. Haven. He was unquestionably one of the most rarely endowed men we have ever had among us. As a *nisi prius* lawyer Western New York had not his superior. He had no eloquence, never carried juries by the storm of passion or the magnetic power of what we call genius. But somehow he carried them. He was simple, but clear and direct in presenting a case, and no man found readier access to the understandings and sympathies of the formidable twelve men. He was always cool, never betrayed into confessed surprise, was full of resources, and went through a trial with the tone and air of a master. Common sense, good nature, a ready wit, a bright intellect, a winning address, were the great elements of his power over a jury. In a political canvass the same characteristics made him the most popular of men before an audience. His pleasantry always amused, while his logic convinced, and his unbounded good humor made him a universal favorite. During the six years he was in Congress, he was one of the most useful

of its members. Mr. Washburne, our present Minister to France,\* who was in Congress with him, but not always in political sympathy, told me that on other than purely party questions Mr. Haven was the most influential member of the body. Every member knew that he brought integrity and intelligence to the study of every question of public interest before the House, and that it was safe to follow his lead. He died in the maturity of his powers, too early for his many friends, too early for the country he could serve so well. Remembering the associated and distinguished careers of those three men, there is a touching pathos in their last repose, side by side, in our city of the dead.

Judge Hall brought to his profession perfect conscientiousness, great industry, dispatch of business in hand, a clear, analytical mind, in short, every element which goes to make a complete office lawyer and a safe counselor. He was an admirable commercial lawyer. This was clearly revealed to the public when in 1842 he was appointed first Judge of the old Court of Common Pleas of Erie County. Before his advent to the Bench of that Court it had no standing as a commercial Court. But during Judge Hall's term of service it was acknowledged to rank among the foremost of the State. But it was as an equity lawyer that he was pre-eminent. His nice sense of justice, his patience in investigation, and his love of those broad principles of equity which are the basis of all just dealing between men, his ready sympathy with *cestui que trusts*, who as widows, or as orphans and infants, held relations of dependence upon trustees, all inclined him to make equity jurisprudence his specialty as a lawyer. When he left the profession to take a place in Mr. Fillmore's Cabinet, his reputation as an equity lawyer was second to that of no man in Western New York. And there can be no doubt had he continued the practice of his profession he would have achieved great distinction in his favorite branch of legal study, and reaped the just reward of his diligence and learning.

The character of his mind was rather analytical than creative. He had no warmth of imagination, no fervid fancy. He had a thorough knowledge of legal principles, and that integrity of mind

\*Resigned in 1877, died Oct. 22, 1887.—ED.

which not only never imposed upon others, but did not permit him to impose upon himself. He had a calm temperament, a habit of patient investigation, a sound judgment, a ready application of legal principles to the case in hand. How highly these characteristics were appreciated by his professional brethren appeared in his popularity as a referee while he was in the profession. I think it safe to say that no Buffalo lawyer at the time I refer to was so frequently chosen to act as referee in important cases.

In August, 1852, Judge Hall was appointed by President Fillmore, United States District Judge of the Northern District of New York. This office he held for nearly twenty-two years, discharging its duties with a fidelity and ability which rank him among the most laborious, useful and upright of the Federal judiciary. He entered upon the office at a new era in its relations to our inland commerce. The business upon the lakes had within a few years very largely increased, giving rise to much litigation to be settled by the principles of marine law. It had then recently been decided by the Supreme Court of the United States that our inland lakes were within its admiralty jurisdiction. This threw upon Judge Hall's court a large amount of litigation involving principles and practice peculiar to admiralty law. This was an entirely new field to him, and he entered upon it as a student with a diligence and zeal which made him master of that branch of the law. I have been told that when first invited to hold a term of the District Court in New York, there were several important admiralty cases on the calendar which counsel were disposed to put over the term, feeling that an inland judge could know little law governing cases connected with ocean commerce. But on the trial of one or two such cases before him, the profession were surprised by his profound knowledge of the principles of the admiralty law, and he was ever after one of the most popular judges called to preside at the New York Circuit. His selection was always hailed as a happy fortune for the bar and for suitors. His new career as judge imposed upon him the necessity of studying another and very difficult branch of law—that of patents, an exclusive specialty even among lawyers. He thoroughly mastered it and his opinion became high authority. The complicated system of our revenue laws

imposed upon him fresh labor, and to no judge is the country more indebted than to him for a just interpretation and enforcement of the revenue laws. After the passage of the present bankrupt law his court was literally overwhelmed with questions requiring discrimination, judgment and learning to solve. With the enormous labors of this court before this fresh draft upon his energies, it is easy to see that the settlement before him of several thousand bankrupt cases during the last few years, some involving millions of dollars and the rights of hundreds of creditors, demanded a strength of body herculean and of mind adequate to every exigency. As an interpreter of the bankrupt law he became an authority. He placed no limit to his labors either in mastering the law or in arriving at an equitable settlement among conflicting creditors of bankrupt estates. Here was the weight that broke him down. He undoubtedly bestowed more labor on his cases than duty required. He did not know how to work easily, he only knew to do the utmost that could be done, to exhaust every subject presented to his review, to sift to the bottom every complication of facts, and to leave a case submitted only when he had mastered it to the last detail. He was always in harness, and scarce knew what recreation was.

Very few of Judge Hall's decisions were finally reversed. The only criticism I ever heard made upon his method in the trial of cases before him, was to the effect that in taking testimony and weighing it he failed to duly discriminate between honest and dishonest witnesses. It was accompanied by this explanation, that the Judge was so honest himself that he did not readily suspect dishonesty in others. However this may have been, the fact that on review his decisions were so generally sustained, is sufficient proof that suitors went out of his court with substantial justice so far as he was called to administer it. I do not know how I can better supplement what I have said than by quoting some of the expressions made before Judge Blatchford's Court in the Southern District, as I find them reported in the New York papers. Hon. E. W. Stoughton, the eminent counselor of New York, the day after Judge Hall's decease, moved the adjournment of the Court out of respect to his memory, and in the course of his address said as follows :

Judge Hall entered upon the discharge of his duties with a high sense of sacred obligation imposed upon him. He has often presided in this District, both in the Circuit and District Courts. During almost his entire judicial life it has been my good fortune to know him well and to enjoy, as I believe, his confidence and friendship. I have been often before him in the trial and argument of cases, some of which were of great length and difficulty. His efforts thoroughly to understand the most complicated were ever persistent and laborious. He rarely conceived and rarely expressed at an early stage of any cause impressions for or against either side. He was slow to arrive at conclusions, and seldom did so until he had most carefully investigated and deliberated upon the questions to be determined. His love of justice, his desire to do justice, impelled him oftentimes to the performance of judicial labor of the most painful and minute character, and he brought to his aid in this stores of exact legal learning, the accumulations of many well spent years. He heard counsel with patience, and ever treated them with courtesy and kindness. His judicial life has been pure and spotless, and to his labors and his example the Bar, the public and even the Bench are greatly indebted. A more satisfactory life to him, one which could more completely gratify the pride and the honest ambition of the widow and descendants who mourn his loss, cannot well be imagined. He had occupied high places in the State and on the Bench, without having sought or secured them by unworthy means, and he has ever so discharged his high and responsible trusts as to merit the approval and the applause of the best among his fellow-men. He was a worthy associate upon the bench of that great judge whose loss we still sincerely mourn (Nelson), and whom, after a few months of separation, he has gone from us to join.

If Judge Hall does not rank among the few great judges who have established the principles of law and equity as applicable to trade and commerce, or who have interpreted the fundamental law and defined the limitations of State and Federal authority, there can be no doubt of his place in our judicial history as one of the most upright, laborious and adequate judges that have ever honored the American Bench.

One characteristic of Judge Hall, in times of popular excitement, provoked some criticism. He had as profound a reverence for law and constitutional right and authority as it is possible for man to pay them. Living law to him was the highest representative of the Divine on earth. And whether in peace or war, whether it involved the rights of persons or the Government, it was to be enforced without fear or favor. *Salus legis suprema lex* appeared to him the safer maxim than the *salus populi*. He saw no safety for the citizen in irresponsible authority. His

judgment might have been always right, or sometimes wrong, in his vindication of the inviolability of the law. But one thing is certain, that for the rights of persons as maintained today in England and in our own country, we are indebted to judges of the stamp of Judge Hall; men who could go to the Tower or the block with heart and cheek unblenched, but who would not deny the protection of the law to the poorest subject, the humblest citizen, against Commons or Kings. Judicial independence under the sanctions of an honest nature a democracy can not afford to undervalue, and this element, so needful for the protection of the citizen in times of civil commotion and alarm, was pre-eminent in Judge Hall. Herein was the moral grandeur of his character. Underneath that modest mien and unaffected simplicity was the latent element of power, which, on occasion, could rise to the sublime of judicial assertion. Without this quality a man may be a learned judge, but in the highest sense he can not be a great one.

Judge Hall had a short legislative career, having been elected a member of Assembly in November 1845, and a member of Congress in 1846. He declined a re-election to Congress. He took high rank in both bodies as a capable and useful legislator. He was distinguished for his intelligent labor in committee, and for his attention to the general business before the House. At the close of his Congressional term he returned to his profession from which he was called to yet more responsible relations in the Government.

The death of General Taylor brought Mr. Fillmore to the Presidential office, and in forming his Cabinet he called Judge Hall to the office of Postmaster-General. He was fully in sympathy with the President upon all the great questions and measures of the time, but his own immediate responsibility began and ended with his own Department. He held the office of Postmaster-General from July 3, 1850, to September 13, 1852, and in September, 1851, was for a short time acting Secretary of the Interior. To his Cabinet office he brought the same zeal, energy, judgment and fidelity which had distinguished his professional and official life. As a Cabinet officer he took high rank and was especially valued by his colleague, Mr. Webster. There



are two classes of statesmen: The one represents the doctrinaire and innovator, who is sometimes Utopian and sometimes wisely in advance of his time. Another class has little sympathy with experiments, and prefers to stand by the established order so long as it seems to work substantial justice. Judge Hall was a representative of the latter class. He was no doctrinaire, and he was slow to accept new theories until his judgment told him it was time for the old to die; he was a conservative statesman, and gave to that school his cordial, because his honest, co-operation.\*

The bare enumeration of his official trusts shows how absolutely he was the servant of the public. Many of them in the earlier part of his career were humble offices, sought undoubtedly, for the aid they would give him in his struggles, but the duties of each and all were as faithfully discharged as were those of the highest dignity and responsibility. It was this proved adequacy and tried fidelity that secured him the most absolute public confidence, and made easy and natural his advancement to the highest trusts under the Government. And it was well said at the meeting of the Bar, that this was the crucial test and that his character had come out of it as solid gold. His integrity was almost of a romantic type—no importunity of friendship, no precedents of favoritism could ever bend him from the most inflexible observance of his rule of duty. This was illustrated when he was Postmaster-General in his award of contracts for printing and mail services, when he never knew any difference between friends and foes and had no eyes for anything but the most advantageous offers for the Government.

The many offices held by Judge Hall, having more or less emolument, never enriched him, while the greater portion of his official life, and from which the public reaped the largest advantage was, measured by the value and amount of services rendered, pecuniarily unrecompensed. His judgeship did not yield a support, to say nothing of its dignity, which is something so long as a worthy man holds the office.

But Judge Hall did his full share of service in founding and maintaining those institutions of education and charity, which are the best exponents of our social spirit. As early as 1837,

\*See "The Postal Service of the United States," by Mr. Hall, this vol., p. 299.—ED.

when in the City Common Council, he was Chairman of the School Committee, and in connection with O. G. Steele, Esq., then Superintendent of Schools, prepared the bill which revolutionized the former system and prepared the way for the present systems of our public schools.\* He was for many years President of the Buffalo Female Academy, and was at the time of his death one of the trustees of the Wells Seminary at Aurora, Cayuga County. He was also President of the Board of Trustees of the State Normal School in Buffalo. He was one of the trustees of the Ketchum Memorial Fund. He was one of the founders and Presidents of this Society, in which he always took a deep interest. In short, he lived and died in the public service, shrinking from no labor imposed, discharging every duty as a citizen with scrupulous fidelity and honor.

In every private and domestic relation his life was beautiful. His autobiography has an almost religious tone of gratitude to his father's house, and to the early home that gave his childhood protection and love. He was a fond kinsman, and a wide circle dwelt in the sunshine of his considerate and sacrificing nature. He practiced a liberal and unostentatious charity. He realized the ideal man of the Arabian poet: "He delivered the poor that cried, and the fatherless and him that had none to help him. He put on righteousness and it clothed him, and his judgment was a robe and a diadem."

He reverentially recognized the moral Providence of the world. He had a pure heart, which is the vision of God. His worship was neither a ceremony nor an asceticism. His organization required other methods of expression than these. In this connection I shall take the liberty to quote a single paragraph from his autobiography, sacredly personal as is its character: "That much of my success has been due to my own efforts, I feel bound to say in encouragement of those who shall come after me, while I admit with thankfulness and gratitude that much more has been due to the kindness of the Universal Father who cast my lines in pleasant places, and in the course of His benignant providence afforded me abundant and yet repeated opportunities

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\*See "The Buffalo Common Schools," by Oliver G. Steele, Pub. Buf. Hist. Soc., Vol. I., page 405.—ED.

to put to profitable and yet honorable use the talents he had given me." But what can I say of Judge Hall as a man which has not already been expressed in every form of tribute which a public can pay to one it honors and reveres. Words almost fail us when we enter the domain of his private life and contemplate his character as it unfolded in the relations of friendship and home. He might have appeared stern and severe to those who knew him not, but to those who sought him he was sweet as summer. Who ever saw him ruffled, except in presence of some cruelty or wrong? What a benediction was in that friendly, beaming face! Living without ostentation or display, yet with tasteful comfort, he was a princely host. "This house is yours," says the courteous Castilian; "This house is yours," you read in our friend's greeting and hospitality. He was born for friendship and he abounded in those little offices of kindness which are among the sweetest solaces of life. He made our burthens lighter by his love, and we went from his presence with fresh courage and renewed strength for life's weary march.

He had a large nature, full of truth, loyalty and honor. His word had the sanctity of religion, it was a pillar of constancy. His public career was pure as his private life. All the elective offices he ever held were bestowed, not purchased. If modern politics are in the least degenerated, he did nothing to degrade them. He never offered bribes, he never debauched a constituency. He never solicited offices with votes in one hand and money in the other. He was fond of place, but no ambition ever led him to sacrifice his manhood. He never dragged his robes in the mire or sullied those of other men. He was ever pure, self-respecting. He was no flatterer of the people—he had no arts, no strategy—his capital was his character. He was a gentleman of the old-time school, a type of a class rapidly passing away. Science teaches us that the different geological periods have furnished each distinct formation and species of vegetable and animal life, the new ever superseding the old. Our modern society seems to have a somewhat analogous experience. This period of unrest, of concentration of capital and energy in great centers of population, of material development and the new paths it opens for personal distinction, will give us types of

commanding energy and force, but without the calm, the dignity and silent power of the old school.

Judge Hall married on the 16th. day of November, 1832, Miss Emily Paine, of Aurora. Five children were born to him, of whom but one survives—Mrs. Josiah Jewett of this city.

For several years previous to his death his constitution gave repeated signs of giving way before the severe labors of his office. On the week previous to his death he had been in daily attendance upon his official duties. On Sunday, March 1st, he did not feel as well as usual and kept in bed. I saw him at seven o'clock in the evening, when he was cheerful and hopeful, with no appearance of extreme illness. He fell asleep at the usual hour and about four o'clock in the morning, after a slight spasm, he died. And so he passed forever from the scenes of time.

# THE POSTAL SERVICE

OF THE UNITED STATES IN CONNECTION WITH THE LOCAL  
HISTORY OF BUFFALO.

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READ BEFORE THE SOCIETY, JANUARY 6, 1865.

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BY HON. N. K. HALL\* AND THOMAS BLOSSOM.†

No very satisfactory account of the origin and progress of the Postal Service of the country, in its more immediate connection with the local history of Buffalo, can now be compiled. The early records of the transportation service of the Post-Office Department, were originally meager and imperfect; and many of the books and papers of the Department, prior to 1837, were destroyed or lost when the public edifices at Washington were burned in 1814, and also when the building in which the Department was kept was destroyed by fire, in December, 1836. For these reasons the Hon. A. N. Zevely, Third Assistant Postmaster-General—who has kindly furnished extracts from the records and papers of the Department—has been able to afford but little information in respect to the early transportation of the mails in the western part of this State. Indeed, no information in respect to that service, prior to 1814, could be given; no route-books of older date than 1820 are now in the Department, and those from 1820 to 1835 are not so arranged as to show the running time on the several routes.

The records of the Appointment Office, and those of the Auditor's Office of the Department, are more full and perfect; and from these, and from various other sources of information,

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\*† Respectively Postmaster-General and Postmaster of Buffalo.—ED.

much that is deemed entirely reliable and not wholly uninteresting has been obtained.

Erastus Granger was the first Postmaster of Buffalo—or rather of “Buffalo Creek,” the original name of the office. He was appointed on the first establishment of the office, September 30, 1804. At that time the nearest post-offices were at Batavia on the east, Erie on the west, and Niagara on the north. Mr. Granger was a second cousin of Hon. Gideon Granger, the fourth Postmaster-General of the United States, who held that office from 1801 to 1814.

The successors of our first Postmaster, and the dates of their respective appointments, appear in the following statement :

Julius Guiteau, . . . . .	May 6, 1818.
Samuel Russel, . . . . .	April 25, 1831.
Henry P. Russell, . . . . .	July 26, 1834.
Orange H. Dibble, . . . . .	August 28, 1834.
Philip Dorsheimer, . . . . .	June 8, 1838.
Charles C. Haddock, . . . . .	October 12, 1841.
Philip Dorsheimer, . . . . .	April 1, 1845.
Henry K. Smith, . . . . .	August 14, 1846.
Isaac R. Harrington, . . . . .	May 17, 1849.
James O. Putnam, . . . . .	September 1, 1851.
James G. Dickie, . . . . .	May 4, 1853.
Israel T. Hatch, . . . . .	November 11, 1859.
Almon M. Clapp, (the present incumbent*)	March 27, 1861.

The Buffalo Post-office was the only post-office within the present limits of the city until January, 1817, when a post-office was established at Black Rock. The appointments of Postmasters at Black Rock have been as follows :

James L. Barton, . . . . .	January 29, 1817.
Elisha H. Burnham, . . . . .	July 11, 1828.
Morgan G. Lewis, . . . . .	June 29, 1841.
George Johnson, . . . . .	July 7, 1853.
Daniel Hibbard. (the present incumbent)	June 1, 1861.

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\*Succeeded in 1866 by Joseph Candee (died Nov. 20, 1884); succeeding Postmasters of Buffalo have been: Isaac M. Schermerhorn; Thomas M. Blossom (appointed in 1869, died Feb. 10, 1882); Isaac M. Schermerhorn (second appointment, April, 1871); John M. Bedford (appointed April 1, 1879); John B. Sackett (appointed March 7, 1887); Bernard F. Gentsch (appointed May 28, 1890, died Aug. 3, 1894); Howard H. Baker (appointed June 7, 1894), present incumbent.—ED.

In July, 1854, the Post-office of Black Rock Dam, now called North Buffalo, was established. The name of the office was changed to North Buffalo, February 10, 1857. The appointments to that office have been as follows :

Henry A. Bennett,	July 12, 1854.
Charles Manly,	March 17, 1856.
George Argus,	May 20, 1859.
William D. Davis,	July 29, 1861.
George Argus, (the present incumbent)	1864.

The Buffalo Post-office was kept, during Mr. Granger's term of office, first on Main Street, near where the Metropolitan Theater\* now stands, and afterwards in the brick house on the west side of Pearl Street, a few doors south of Swan Street, now No. 58 Pearl Street. Mr. Guiteau first kept the office on Main Street, opposite Stevenson's livery stable ; then on the west side of Main Street about the middle of the block next south of Erie Street ; and afterwards on the northwest corner of Ellicott Square. It was kept in the same place for a short period at the commencement of Judge Russel's term of office, but was soon removed to the northwest corner of the next block above, where it remained until after the appointment of Mr. Dibble. It was removed by Mr. Dibble about 1836, to the old Baptist Church then standing on the corner where the post-office is now kept, and it was kept in that building until after Mr. Haddock took the office. He removed the office to the northwest corner of Main and Seneca Streets, where it remained until it was removed, in August, 1858, into the Government building in which it is now.

The gross receipts of the post-office at Buffalo, for the years given in the following table, have been as follows :

1805	\$ 90.83	1825	\$ 2,840.60
1806	120.13	1830	6,695.34
1807	122.82	1835	19,219.34
1808	173.63	1840	25,501.49
1809	217.49	1845	22,681.26
1810	291.46	1850	39,644.01
1812	963.61	1855	47,458.67
1813	Imperfect returns.	1860	44,800.94
1814	488.37†	1862	55,265.57‡
1815	1,932.98	1863	48,238.53
1820	1,463.21		

\*Predecessor of the Academy of Music, east side of Main, between Seneca and Swan Streets.—Ed.

† Last quarter only.

‡ Stamps sold for currency \$18,000 more, furnished from Buffalo P. O.

The gross receipts at the offices of Black Rock, Black Rock Dam and North Buffalo, for the years named have been as follows:

*At Black Rock:*

1817	\$ 56.88	1845	\$ 467.32
1818	134.34	1850	776.62
1819	237.96	1855	420.24
1820	239.38	1860	317.74
1825	737.41	1862	389.50
1830	493.08	1863	461.52
1835	617.49	1864 }	234.52
1840	712.77	to July 1. }	

*At Black Rock Dam (North Buffalo):*

1854	\$ 108.47	1862	\$ 463.27
1855	419.82	1863	650.73
1860	303.15	1864 }	319.75
1861	307.20	to July 1. }	

The aggregate amount of the postage received at the different post-offices must always depend, in a greater or less degree, upon the extent and frequency of the mail transportation by which such offices are supplied, and the rates of postage charged, as well as upon the number, education, character and occupation of the population within the delivery of such offices. Other causes, some of them local or temporary, may at times affect the revenue of an office, but only the population of the neighborhood, the frequency and extent of the transportation service, and the general rates of letter postage, will be here considered.

The first census under the authority of the United States was taken in 1790; probably in July and August of that year. In that portion of New York lying west of the old Massachusetts preëmption line it was taken by General Amos Hall, as Deputy Marshal, and an abstract of his list or census-roll is given in Turner's "History of Phelps and Gorham's Purchase." The number of heads of families then residing west of Genesee River, and named in that list, was 24; but it is probable that the deputy marshal did not visit this locality, as neither Winney the Indian trader, nor Johnston the Indian agent and interpreter, is named; although it is probable that both of them resided here. Winney, it is quite certain, was here in 1791, and it is supposed came about 1784.



The whole population west of the Massachusetts preëmption line, which was a line drawn due north and south across the State, passing through Seneca Lake and about two miles east of Geneva, as given by Turner from General Hall's census-roll, was 1,084, as follows: males, 728; females, 340; free blacks, 7; slaves, 9. In the State census report of 1853, the population of Ontario County in 1790 (which county then embraced all that territory) is stated at 1,075. The difference between the two statements is caused by the omission of the slaves from the latter statement. In 1800 the population of the same territory (then the Counties of Ontario and Steuben) was 15,359 free persons and 79 slaves.

In 1808 the County of Niagara (embracing the present counties of Niagara and Erie) was organized, and its population in 1810 was 6,132. Of these 1,465 were inhabitants of the present County of Niagara, and 4,667 of the present County of Erie. There were then in the county 8 slaves, which number should probably be added to the aggregate above stated.

In 1820 the population of Niagara County was 18,156, of which 10,834 were inhabitants of the present County of Erie. There were then 15 slaves in the whole County of Niagara.

In 1821, the County of Erie was organized with its present boundaries. Its population at each census since has been as follows, viz: 1825, 24,316; 1830, 35,719; 1835, 57,594; 1840, 62,465; 1845, 78,635; 1850, 100,993; 1855, 132,331; and 1860, 141,791.

It is probable that in 1790, Winney and Johnston were the only white residents upon the territory now embraced within our city limits. In 1796, there were but four buildings in all that territory—as stated by the late Joseph Landon. In 1807, there were about a dozen houses. This number, it is said, had increased to more than 200 houses, when, on the 31st of December, 1813, the village was burned by the British and Indians;—only the house of Mrs. St. John, Reese's blacksmith shop, the gaol, and the uncovered frame of a barn escaping the general conflagration.

The white population of the territory now comprised in our city limits did not, in 1800, probably exceed 25. The earliest

census report which gives any information in regard to its population is that of 1810 when the population was 1,508. It was 1,060 in 1814; 2,095 in 1820; 5,141 in 1825; 8,668 in 1830; 21,838 in 1840; 34,606 in 1845; 49,769 in 1850; 74,214 in 1855; and 81,129 in 1860. It is believed that it is now about 100,000.

But little reliable information in regard to the transportation of the mails west of Albany from 1800 to 1824, can now be obtained; and as the transportation service and the origin and progress of the system of posts, by which, even now, much of this transportation service is performed, are believed to be the most interesting of the topics of the present paper (as that service itself is the most essential of those connected with the Post-office establishment), it has been deemed proper to refer to the probable origin of that system;—a system which in its continued extension and constant improvement, has grown into the Post-office establishment of the present day. These are now, almost universally under the control of the State or sovereign power, and they are certainly among the most important and beneficent of the institutions of civil government.

It is said that the Assyrian and Persian monarchs had their posts, at a day's journey from each other, with horses saddled, ready to carry with the utmost dispatch, the decrees of these despotic rulers. In the Roman Empire, couriers on swift horses carried the imperial edicts to every province. Charlemagne, it is said, established stations for carriers who delivered the letters and decrees of the court in the different and distant parts of his dominions. As early as the XIth Century the University of Paris had a body of pedestrian messengers, to carry letters and packets from its thousands of students to various parts of Europe, and to bring money, letters and packets in return. Posts for the transmission of Government messages were established in England in the XIIIth Century, and in 1464 Louis XI. established a system of mounted posts, stationed four French miles apart, to carry the dispatches of the Government.

Government posts, as the convenience and interest of the people at large began to receive some attention from their rulers, were at times allowed to carry private letters, and private posts

for the transmission of general correspondence were sometimes established. This was at first but an irregular and uncertain service, without fixed compensation ; but considerable regularity, order and system were the results of the public appreciation of their convenience, and of the gradual improvements which followed their more general employment.

In 1524 the French posts—which had previously carried only the letters of the King and nobles—were first permitted to carry other letters ; and in 1543 Charles V., Emperor of Germany, established a riding post throughout his dominions. It was not until the reign of James I. that a system of postal communication was established in England, although Edward IV., in 1481, had established posts twenty miles apart, with riders, to bring the earliest intelligence of the events of the war with the Scots. It was not until about 1644 that a weekly conveyance of letters, by post, was established throughout that kingdom. Mail coaches were first used at Bristol, in England, in 1784. They were placed on the post routes in 1785, and their use became general throughout England.

The mail service of North America, which in its magnitude and regularity, and in the extension of its benefits to every settlement and fireside, has, it is believed, no superior, probably had its beginning in private enterprise ; although perhaps sanctioned at the very outset, by local authority.

As early as 1677 Mr. John Hayward, scrivener, of Boston, Mass., was appointed by the General Court to take in and convey letters according to their direction. This was probably the first post-office and mail service authorized in America. Other local arrangements, necessarily very imperfect in their character, were made in different colonies soon after ; some of them having the sanction of Colonial Governors or Legislatures.

Thomas Dongan, the Governor of New York under the Duke of York, in a letter to the Duke's secretary, dated February 18, 1684, says :

You are pleased to say I may set up a post-house, but send me noe power to do it. I never intended it should be expensive to His Royal Highness. It was desired by the neighboring colonies, and is at present practiced in some places by foot messengers.

In the same letter Gov. Dongan says he will endeavor to establish a post-office in Connecticut and at Boston. Under date of August 27, 1684, Sir John Werden, the Duke's secretary, wrote to Gov. Dongan :

As for setting up post-houses along the coast from Carolina to Nova Scotia it seems a very reasonable thing, and you may offer the privilege thereof to any undertakers for ye space of 3 or 5 years, by way of farm; reserving wt part of ye profit you think fit to the Duke.

At least as early as January, 1690, there was what was called a public post between Boston and New York, and in 1691 there was a post of some kind from New York to Virginia, and from New York to Albany. This was during the war with the French, and these posts were probably established by the military authorities.

On the 4th of April, 1692, Thomas Neele, having obtained a patent to establish post-offices throughout the American colonies, appointed Andrew Hamilton (afterwards Governor of New Jersey), his deputy for all the plantations. Mr. Deputy Hamilton brought the subject before Gov. Fletcher and the New York Colonial Assembly in October following, and an Act was immediately passed "for encouraging a post-office."

In 1705 Lord Cornbury, the Governor of New York, informed the Lords of Trade of the passage by the New York Assembly of "an Act for enforcing and continuing a post-office," which he recommended His Majesty to confirm "as an act of necessity," without which the post to Boston and Philadelphia would be lost.

In 1710 the British Parliament passed an Act authorizing the British Postmaster-General "to keep one chief letter-office in New York and other chief letter-offices in each of His Majesty's Provinces or Colonies in America." Deputy Postmasters-General for North America were afterwards, and from time to time, appointed by the British Postmaster-General in England. Dr. Franklin was appointed to that office in 1755, and it is said that in 1760 he startled the people of the colonies by proposing to run a "stage waggon" from Boston to Philadelphia once a week, starting for each city on Monday morning and reaching the other by Saturday. In 1763 he spent five months in traveling through

the Northern Colonies for the purpose of inspecting and improving the post-offices and the mail service. He went as far east as New Hampshire, and the whole extent of his five months' tour, in going and returning, was about sixteen hundred miles. He made such improvements in the service as to enable the citizens of Philadelphia to write to Boston and get replies in three weeks instead of six weeks, the time previously required.

In 1774 Dr. Franklin was removed from office; and on the 25th of December, 1775, the Secretary of the General Post-Office gave notice that, in consequence of the Provincial Congress of Maryland having passed a resolution that the Parliamentary post should not be permitted to travel on a pass through that province, and of the seizure of the mails at Baltimore and Philadelphia, the Deputy Postmaster-General was "obliged, for the present, to stop all the posts." It is supposed that this terminated the regular mail service in the old Thirteen Colonies, and that it was never resumed under British management.

Before this suspension of the Parliamentary posts, Mr. William Godard of Baltimore had proposed to establish "an American Post-office"; and in July, 1774, he announced that his proposals had been warmly and generously patronized by the friends of freedom, and that postmasters and riders were engaged. During the preceding six months he had visited several of the colonies in order to extend and perfect his arrangements, and there appears to have been a very general disposition to abandon the use of the British post and sustain that established by Mr. Godard. In May, 1775, Mr. Godard had thirty postmasters, but Mr. John Holt of New York City was the only one in this State. In that year partial arrangements for mail service in Rhode Island, Connecticut, New Hampshire and Massachusetts were made by the Provincial Congress of each of those Colonies.

The old Continental Congress first assembled in September, 1774; and on the 26th of July, 1775, it resolved "that a Postmaster-General should be appointed for the United Colonies who should hold his office at Philadelphia and be allowed a salary of \$1,000 for himself and \$340 for his secretary and comptroller; and that a line of posts should be appointed, under

the direction of the Postmaster-General, from Falmouth, in New England, to Savannah, in Georgia. Dr. Franklin was then unanimously chosen Postmaster-General. The ledger in which he kept the accounts of his office is now in the Post-office Department. It is a half-bound book of rather more than foolscap size, and about three-fourths of an inch thick, and many of the entries are in Dr. Franklin's own handwriting. Richard Bache succeeded Dr. Franklin November 7, 1776, and Mr. Bache was succeeded by Ebenezer Hazard.

The Articles of Confederation, adopted in 1778, gave to the United States, in Congress assembled, "the sole and extensive right and power of establishing and regulating post-offices from one State to another"; but the increase of mail service was comparatively trifling until after the organization of the Post-office Department by the first Congress which assembled under the Constitution of the United States. This gave it efficiency and value, and provided for the early extension of its benefits to the inhabitants of the several States.

The National Congress, organized under the Constitution, commenced its first session on the 4th of March, 1789, but it was not until September 22, 1790, that an Act was passed for establishing, or rather continuing, the postal service. The Act then passed provided that a Postmaster-General should be appointed, and that the regulations of the Post-office should be the same as they last were under the resolutions and ordinances of the Congress of the Confederation.

In 1790 there were but seventy-five post-offices and 1,875 miles of post-roads in the United States, and the whole amount of postages received for that year was \$37,935. The population of the United States, as shown by the census of that year, was only 3,929,827; and the whole mail service was performed upon our seaboard line, passing through the principal towns from Wiscasset in Maine, to Savannah in Georgia, and upon a few cross or intersecting lines, on many portions of which the mail was carried only once a fortnight.

On the 3d of March, 1791, the Postmaster-General was authorized to extend the carrying of the mail from Albany to Bennington, Vermont. It is probable that the post-office at

Albany was a special office until late in that year, as in an official list of post-offices, with their receipts for the year ending October 5, 1791, New York is the only office in this State; and by an official statement dated April 24, 1790, it appears that the contractor from Albany to New York received the postages for carrying the mail, and that that was the only mail service in this State north or west of New York City.

It is stated in a "History of Oneida County" that the first mail to Utica was brought by Simeon Post in 1793, under an arrangement with the Post-office Department authorizing its transportation from Canajoharie to Whitestown at the expense of the inhabitants on the route; and that in 1793 or 1794, the remarkable fact that the Great Western Mail, on one arrival at Fort Schuyler (Utica), contained six letters for that place, was heralded from one end of the settlement to the other. It is added that some were incredulous, but the solemn and repeated assurances of the veracious Dutch postmaster at last obtained general credence.

On the 8th of May, 1794, sundry post-routes were established, among which is one "from Albany by Schenectady, Johnstown, Canajoharie and Whitestown, to Canandaigua"; and in July, 1794, four-horse "stages" were run from Albany to Schenectady daily. The passenger fare by these stages was only three cents per mile.

On the 31st of July, 1794, the Postmaster-General, Timothy Pickering, advertised in the *Albany Gazette* for proposals for carrying the mails in this State, as follows: (1.) "From New York by Peekskill, Fishkill, Poughkeepsie, Rhinebeck, Redhook, Clermont, Hudson and Kinderhook to Albany," to leave New York every Monday and Thursday at 4 p. m., and arrive at Albany on Wednesday and Saturday by 7 in the evening. (2.) "From Albany by Schenectady, Johnstown and Canajoharie to Whitestown," to leave Albany every Thursday at 10 a. m., and arrive at Whitestown on Saturday by 6 p. m. (3.) "From Canajoharie through Cherry Valley to the Court House in Cooperstown," to leave every Friday at 4 p. m., and arrive on Saturday by 1 p. m. (4.) "From Whitestown to Canandaigua once in two weeks"; to leave Whitestown every other Monday

at 8 a. m., and arrive at Canandaigua the next Thursday by 2 p. m. This advertisement bears date July 8, 1794. It does not state the mode of conveyance required.

On the 3d of March, 1797, Congress established a post-road "from Kanandaigua in the State of New York, to Niagara." This route was run through Avon and LeRoy, and probably through Batavia, and thence on the north side of the Tonawanda Creek, and through the present town of Lockport to Niagara.

In the "History of Onondaga County" it is stated that a Mr. Langdon first carried the mail through that county on horseback from Whitestown to Genesee in 1797 or 1798\*; that he distributed papers and unsealed letters by the way before intermediate offices were established; that a Mr. Lucas succeeded Mr. Langdon in transporting the mail, which, in 1800, had become so heavy as to require a wagon to transport it that the first four-horse mail-coach was sent through in 1803; and that in 1804 Jason Parker ran a four-horse mail-coach twice a week from Utica to Canandaigua. From an advertisement at Canandaigua, copied by Turner, it appears that a mail-coach was that year run twice a week between Albany and Canandaigua.

It is stated in Turner's "History of Phelps and Gorham's Purchase" (p. 174), that Luther Cole was the first to carry the mail from Whitestown to Canandaigua—on horseback when the roads would allow, but often on foot. The same history states that the mail-route from Canandaigua to Niagara was established "about 1798" (1797) and that the mail was carried through by Jasper Marvin—who sometimes dispensed with mail-bags and carried the mail in his pocket-book—and that he was six days in going and returning. The route, it is stated, was the usual one from Canandaigua to Buffalo and then down the river on the Canada side, to Fort Niagara; but other, and it is believed more reliable authority states, that the mail at this time was carried through Cold Springs, in the present town of Lockport, and did not pass through Buffalo Creek.

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\*AUTHOR'S NOTE—This is probably erroneous as it will be seen that the post-road from Whitestown to Canandaigua was established and service thereon advertised for in 1794. It is quite certain that there was mail service on this route as early as 1795.



The surveys upon the Holland Land Company's Purchase were commenced in the spring of 1798, and the first wagon track on the Purchase was opened that year. Before that time parties came through from Canandaigua on the old Indian Trail. In 1802, Mr. Ellicott, the Holland Land Company's agent, procured the establishment of a post-office at Batavia, and the appointment of James Brisbane as postmaster.\*

In 1804 the Holland Land Company's survey of the inner lots of the present City of Buffalo was made, and on the 26th of March in that year Congress passed an Act in relation to post-routes which provides that the post-route from Canandaigua to Niagara shall pass by Buffalo Creek. From this it is clearly to be inferred that the mail to Niagara had been previously carried upon a different route, as above stated.

In the Buffalo Directory of 1828 is the following statement :

The first mail received here was in March, 1803, on horseback. It was conveyed from the East once in two weeks, in this manner, until 1805. A weekly route was then established and continued until 1809. In 1810 the mode of conveyance was changed and a stage-wagon was used.

This statement is substantially repeated in several subsequent directories and is probably *nearly* correct; although it will be recollected that the post-office at Buffalo was not established until September, 1804, and it appears by extracts from a Canandaigua paper that a "stage road to Niagara" was advertised, in 1808, to leave Canandaigua every Monday, at 6 o'clock a. m., and arrive at Niagara *via* Buffalo every Thursday at 3 a. m. These stages were run by John Metcalf, who, in April, 1807, had obtained from the Legislature of this State a law giving him the exclusive right, for some years, of running stages from Canandaigua to Buffalo, and imposing a fine of \$500 on any other person running wagons on said route as a stage line. He was required to provide at least three wagons and three stage sleighs with sufficient coverings and a sufficient number of horses. The

\*AUTHOR'S NOTE.—This was stated on the authority of Turner's "History of the Holland Purchase" and it was supposed there could be no doubt of its accuracy. But in Vol. 1., *Miscellaneous*, of the American State Papers, published by Gales & Seaton, is a list of post-offices in 1800 (p. 289), and of those established in 1801 (p. 298), and in the latter is "Batavia, N. Y., Sanford Hunt, Postmaster." It may be that Mr. Hunt did not accept the appointment and that Mr. Brisbane was appointed in 1802.

fare was not to exceed six cents a mile for a passenger and fourteen pounds of baggage; and for every one hundred and fifty pounds additional baggage he was to be entitled to charge six cents a mile or in that proportion. He was to start on regular days, and between the first day of July and first day of October he was to accomplish said route between Canandaigua and Buffalo at least once in a week, unavoidable accidents excepted.

In a report made to Congress by the Hon. Gideon Granger, Postmaster-General, on the 21st of February, 1810, it is stated that in March, 1799, it required to write from Portland to Savannah and receive an answer forty days, and that it then required but twenty-seven; that in 1799 it required between New York and Canandaigua twenty days, and then required but twelve; and that most if not all the other mails have been expedited proportionably according to their relative importance.

On the 18th of April, 1814, Congress established a post-route "from Sheldon, by Willink and Hamburg, to Buffalo," and it appears from the books of the Post-office Department that mail service, once in two weeks, leaving Sheldon every other Friday at 6 a. m. and arriving at Buffalo the next day at 10 a. m., and leaving Buffalo the same day at 12 m. and arriving at Sheldon the next day by 8 p. m., was the same year put upon the route.

In 1815, the mail was carried from Buffalo to Erie once a week, leaving Buffalo on Saturday at 12 m. and arriving at Erie on Monday at 6 p. m., and leaving Erie Tuesday at 6 a. m. and arriving at Buffalo on Thursday by 10 a. m.

In 1816, the mail between Buffalo and Youngstown was carried twice a week, twelve hours being allowed for a trip either way.

On the 3rd of March, 1817, a post-route "from Moscow by the State road to Buffalo," and one "from Canandaigua, by Bristol, Richmond, Livonia and Genesee to Sheldon" were established.

About the first of the year 1819 the post-office at Buffalo was made a distributing office, and it has continued to be a distributing office ever since.

From 1820 to 1824, the arrangements of the Department for mail service from New York City to Buffalo, thence to Niagara, and from Buffalo to Erie, Pa., were as follows:—Leave New

York daily at 9 a. m., and arrive at Albany next day by 8.30 p. m.; leave Albany at 2 a. m. and arrive at Utica the same day by 9 p. m. (10 p. m. in winter); leave Utica the next day at 6 a. m. and arrive at Canandaigua the next day at 8 p. m.; leave Canandaigua at 6 a. m. on Mondays, Wednesdays and Fridays and arrive at Buffalo the next day at 6 p. m.; leave Buffalo Mondays, Wednesdays and Fridays at 6 a. m. and arrive at Niagara the same day at 6 p. m.; and also to leave Buffalo Tuesdays at 2 p. m. and arrive at Erie the next day by 6 p. m. It will thus be seen that a letter which left New York on Monday morning at 9 o'clock would reach this city at 6 o'clock the next Sunday evening, and Erie three days later, if the mails were not behind time. This frequently happened in bad weather, and it is possible that the interest of contractors, as connected with the transportation of passengers, sometimes induced them to reach Buffalo in advance of their schedule time.

On the 3rd of March, 1823, a post-route was established "from Buffalo in Erie to Olean in the County of Cattaraugus, passing through the towns of Boston, Concord and Ellicottville."

On the 14th of July, 1824, the mail routes by which the Buffalo office was supplied, and the service thereon, were as follows: Canandaigua to Buffalo, three times a week; Niagara to Buffalo, three times a week; Erie to Buffalo, twice a week; and Moscow to Buffalo, once a week.

From 1824 to 1828, the mail was generally carried from New York to Albany by steamboats, six times a week, during the season of navigation, and probably three times a week, by land, in winter; and the mail from Buffalo to Albany was carried twice a week, by one line in three days and four hours, and by the other in four days. The mails from Buffalo to Youngstown and from Buffalo to Erie were carried each way three times a week.

It is stated in the Buffalo Directory of 1828, that the number of mails then arriving and departing weekly from the Buffalo post-office was thirty-five. An advertisement by the late Bela D. Coe, Esq., states that the Pilot mail-coach left Buffalo every evening, arrived at Geneva the first day, Utica the second, and Albany the third; and that the Dilligence coach left Buffalo

# THE SPECULATIVE CRAZE OF '36.

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EXTRACT FROM PAPER READ BEFORE THE SOCIETY  
FEBRUARY 6, 1863.\*

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BY GUY H. SALISBURY.

The year 1836 will long be remembered as one of crisis—not only in our own locality, but throughout the Nation. It dawned upon us radiant with rosy light—with prospects full of glorious promise; it departed, when dark clouds overcast the horizon; that roseate ray deepened into the lurid hue of coming storm. It came with dazzling visions of wealth and fond anticipations of the happiness we ever link with golden chains

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\* The following pages are extracted from a paper which was prepared for the Society, and afterwards utilized as an Introduction to Thomas's Buffalo City Directory under the title "Buffalo in 1836 and 1862." It was prompted by the apprehension that Buffalo was then (1863) about to experience a repetition of the experiences of '36. "That the large augmentation of the ordinary volume of our paper circulation," our author wrote, "caused by the issues of the Government, added to the suspension of specie payment by all the banks of the country, is materially affecting prices, is conclusively shown by the sensitive barometer of the Stock Market. The advance in most description of securities there negotiated, has been absolutely enormous. While they are first to feel the influence of inflation, there can be no doubt that land will be soon affected in like manner. An unmistakable indication is the fact, that after a long period of inactivity, transactions in land have become quite frequent among us of late, although not at high prices." Yet he felt that "the tide of Speculation is again heaving its restless waves around us," and he dwelt at length on the wisdom of abstaining from speculative investment. In 1836 Buffalo had less than 16,000 inhabitants; in 1862 it claimed 100,000; yet the prices of city lots, business as well as residence property, in '62 and for some years thereafter, were still in many cases far exceeded by the valuation of those lands in '36. The phenomenal character of that early inflation is further illustrated by comparison with present prices which on some streets then (and now) regarded as desirable, are little if any in advance of the fictitious values put upon them sixty years ago.—ED.

amount of postages received at the Buffalo offices on letters sent to and received from foreign countries.

In 1855 an Act was passed under which all inland postage was required to be prepaid and which fixed the single rate of inland letter postage for any distance not exceeding three thousand miles at 3 cents, and for any distance exceeding three thousand miles at 10 cents.

In 1863 the single uniform rate of inland letter postage was fixed at 3 cents, without regard to distance, and was required to be prepaid by stamps; the postage on drop letters was increased to 2 cents the half ounce; and all letters reaching their destination without prepayment of postage were to be charged with double the rate of prepaid postage chargeable thereon, thus allowing letters to be sent without prepayment and leaving the general rate of inland letter postage when prepaid as it was fixed for distances under three thousand miles by the Act of 1851, but increasing it 1 cent beyond the rate of 1851 when sent unpaid; also increasing the rate of 1851 on unsealed printed circulars from 1 to 2 cents, and on drop letters from 1 cent the letter to 2 cents the half ounce; and reducing the rates of postage to and from California and Oregon from 6 to 3 cents when prepaid and from 10 to 6 cents when not prepaid.

That the revenues of the Department have been perennially diminished by these reductions cannot be denied; but it is believed that this diminution has been slight in comparison with the public benefits which have followed the adoption of rates of postage, which (the cost of transportation consequent upon the vast extent over which our more remote settlements are scattered, the general sparseness of our population and the high prices of clerical and other labor being considered) are believed to be the cheapest which have ever been adopted by any Government of ancient or modern times.

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to worldly prosperity ; it left us, with those gay illusions faded, those budding hopes blasted, those glowing fantasies exchanged for dull realities, those bright plans for the future sadly marred by the change that came over the spirit of our dreams. It opened with universal prosperity apparently covering the land, giving stimulus to every department of trade, of commerce, of manufactures ; it closed with almost as universal bankruptcy spread widely around, carrying disaster to thousands, in every branch of business, in every walk of life, to the high and to the humble.

Those by-gone scenes to which I allude, are within the personal experience of some of us ; and it may appear presumptuous and unnecessary to speak in historic or didactic style, of times not yet remote enough to have escaped our lively recollections, and the consequences of which came home to so many in such practical shape, as to have been long since, in legal parlance, "of record" !

To seek for positive causes of the universal speculative movement, which began in '34, and reached its acme in '36, were to invoke elements of political contention, with which it is wisest not seriously to intermeddle. Whether it was consequent upon the financial policy of President Jackson, or upon the action of his great antagonist in politics and in policy, the United States Bank ; or upon the emulative expansions of that institution and the affiliated Deposit Banks, then filled with the overflowing surplus of the National Treasury, have long been mooted questions which each one can decide for himself ; but there can be little controversy as to the actual results, that became tangible, and were read of all men.

However we may differ as to the political causes which produced the bank inflations, there will probably be few to controvert the opinion, that a redundant currency of paper, not based in any safe proportion upon coin, and issued to a large extent, by irresponsible corporations, had much to do with the extraordinary rise in prices, not only of real estate, but of almost every commodity of use or trade, which was a prominent symptom of the speculative fever of '36. As money depreciates in value, from its abundance, the prices of other things

necessarily advance, and this appreciation of property, inducing the belief that it is to be progressive, engenders the passion for speculation, which once let loose, runs riot, until it runs to ruin.

To deny, that as a currency becomes redundant—especially one of paper—the value of money depreciates in proportionate ratio with the increase of the circulating medium, would be to discredit the well known history of the Continental currency, and of the assignats of Revolutionary France.

Yet, while such a state of things is most commonly to be predicated of excessive issues of bank paper, we are not without example of like effects, flowing from a superabundance of the precious metals. In limited localities, where gold is plentifully had for the mere digging, prices appreciate in nearly the same ratio, as when paper exclusively forms the currency. When California first tempted adventurers with her glittering treasures, flour at the mines was sometimes sold as high as \$200 a barrel, common shovels at \$14, and a box of Seidlitz powders for \$24! And, at the newly discovered gold-fields of New Zealand, ordinary horses now sell for \$700, and flour at \$75 a barrel. But this depreciation of gold is comparatively temporary, and confined to the immediate regions of its production, while the depreciation of paper is National in extent, and difficult to be controlled within any assigned limits.

Banks sprang up, in the prolific era of '36, like the mushrooms of a summer's night, and proved as unsubstantial and as perishing. Hosts of desperate speculators, who by that "hocus pocus" best known to skillful financiers, could manage to galvanize such monetary institutions into legal existence, with capital stock all paid in by promissory notes, became suddenly possessed of abundant means, which enabled them to operate on a grand scale. They bought lots and farms, and houses and equipage, careless at what cost, so that they paid in currency of such facile creation.

That prices should remain uninfluenced by this reckless profusion with which money, or its semblance, was so widely scattered, would be simply impossible. "Easy got, easy gone," is one of those old maxims that are as true as they are trite, and applies with peculiar aptness to the large and sudden profits of successful fraud, or lucky speculation.



Assuming, then, that the state of the currency had much to do with the speculative tendencies of '36, we may be asked to account for the anomalous fact, that amid all this abundance of what was called money, the "street rates" of interest were from three to five per cent. ~~a month—as tough shaving~~ as is met with in tight business times, when speculations are the exception and not the rule.

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To explain this seeming incongruity, that prices should advance under such ruinous rates of interest—and that they rapidly did so, is an undisputed fact—we must bear in mind that speculations begot usury, and usury, in its turn, begot speculations. The buyers and sellers who were making thousands with magic facility, hesitated not to feed largely the avarice of the money-lender, who supplied the means for their extensive operations; while the latter, seeing the colossal profits realized by others from the use of his funds, thought they could well afford to pay him higher and higher rates—and so the mutual process of reasoning had the very natural result of coming to the same conclusion.

But while ascribing in a great degree the speculative impulses of the period we speak of to the unwonted issues of bank paper which flooded the country, it is but just to remark that other influences must have aided the momentum which sent us forward with railroad speed, until the crash came that threw the whole train off the track. There is an eagerness for sudden and easy gain, ever alive in human breasts, and manifesting itself in all ages, in enterprises that promise golden returns, but often prove gilded illusions. This propensity to obtain wealth by some shorter process than that which Adam taught his race, is not altogether dependent for its manifestations on the condition of the circulating medium—although it may be stimulated to wonderful activity, by the superabundance of money at peculiar periods, when many causes combine to produce feverish action. The tulip mania, which nearly two centuries ago prevailed in Holland, when single roots of that simple flower, sold for the enormous price of \$2,000; the famous South Sea Bubble, which set all England agog, in the beginning of the Eighteenth Century; the cotton speculation of 1825, the mulberry fever which

raged in this country in 1838-39-40; the railway mania in England and France, of 1846-47, were not dependent upon the condition of the currency, but upon their own supposed procreative power of money-making. The purchaser of the tulip bulb bought it, not for its intrinsic value, but because its multiplied product could be in time disposed of at similar or higher prices. So with the propagators of the *Morus multicaulis*, who paid a dollar each for mere slips of a shrub of such easy and rapid increase; they cared little what was paid for the seed, so that the grain to spring from it was gold in multiplied proportion. But the buyers of South Sea stock in the Eighteenth Century, and of lands in 1836, mostly fancied there was intrinsic value in what they held. Some doubtless bought to sell, without any confidence in the prices paid, in the belief that, to use a common saying, "the fools are not all dead"; and they kept on in the giddy race, caring little who got the unlucky individuals who might happen to be "hindmost." The purchaser of a lot, if he could manage to raise enough for the payment down, literally obeying the Scriptural injunction, took "no thought for the morrow," did not trouble himself as to the money to be paid hereafter, for he confidently calculated soon to sell, at a profit, to some one else. And so prices went up, at every transfer, in something like arithmetical progression.

It must have been a curious study for the calm observer to watch the progress of the speculative mania, and note its effects upon the individuals who came under its influence. At first, when land-sellers displayed their maps, with tempting array of corner or water lots, with prices and terms obligingly laid down for the information of the anxious public, the cautious man would listen to no proposition to purchase land that he did not want, and by which he would incur an indebtedness greater than he could conveniently pay. He calculated the interest, the times of payment, and safely concluded such purchases out of his power. Another, however, with more confidence and less prudence, bought, and in a few days, or weeks, sold out at a handsome advance. His cautious neighbor saw that he had missed a small fortune by his timidity, and to lose no farther time, blindly bought the next bargain that offered. He, too,

effects a sale that nets him at once, perchance, the profits of a whole year's business, and fancies that he has only to repeat the experiment, on a more extensive scale, to make his fortune with magic rapidity. He becomes a bold operator—buys large tracts, and maps them into blocks and lots, for which there is no lack of eager customers, and the exciting game goes bravely on, until the reaction comes that arrests these doings in mid career.

What was the spectacle presented in our own community during the memorable times of which we speak?

The wonderful discovery of Daguerre was then among the unimagined marvels of the Future, and we therefore can have no *fac-similes* of the inimitable *tableaux* that were then presented, in private parlors, in public bar-rooms, in places of business, and at the street corners. There were eager merchants, a goodly sprinkling of over-smart clerks; there were lawyers, doctors, editors, with now and then a grave divine to leaven the lump; there were scores of loitering mechanics, and not a few from the farming neighborhoods, tarrying from their marketing, all occupied in the one great pursuit of getting suddenly rich—out of each other. The topic of conversation was the exhaustless theme of LAND—as if it had been found the “one thing needful,” and the whole community were determined to become agrarians at once. The passers-by would catch from the animated conversation of each knot of busy talkers, with “speculation in those eyes that they did glare withal,” some such words as “corner lot,” — “running back to an alley,” — “water front,” — “South Channel a sure thing,” — “railroad run by it,” — “note at sixty days for first payment, balance end of ten years,” — “worth double in six months,” — “make out your papers,” etc., etc. They chattered, they negotiated, they marked out their lots with canes, or umbrellas, or their boot-toes, upon the doorsteps or the sidewalks—

Their dream of life, from morn till night,  
Land—land—still land!

The ladies, too—that is, the spinsters and widows, who could hold property in their own right—were not disposed to let the lords of creation be the only lords of the soil, and they invested their savings, or the proceeds of homesteads, sold off for the

purpose, in making the first payment on purchases, the profits on which were to render the fair holders perfectly marketable for fortune-hunters.

It was all-absorbing, that engrossing desire to catch the golden opportunity, whose swelling tide wafted to wealth. The physician, intent upon some proffered bargain when asked by his anxious patient how his medicine was to be taken, answered abstractedly, "one quarter down, balance three annual instalments." Mechanics, when their customers wished jobs of work done, said they had "other fish to fry"—were in better business. One of them, whose name was Pat Smith, the saddler, when called on to make a harness, replied, "Why, man, I don't do any more business—I've bought a lot!"

Oh! but they were rare groups—those busy, bustling, sanguine moonshine-seekers of '36, and 'tis pity they could not have been immortalized by a Hogarth's inimitable pencil! As in his celebrated moral pictorial series, entitled "The Rake's Progress," might have been depicted the varying fortunes of the actors in that changeful drama. The opening picture might have shown the honest, industrious mechanic, content with gradual gain, and happy in the enjoyment of a comfortable though humble home, ignorant of the feverish hopes or fears of him whose fortune is staked upon a cast. He next might have been seen, listening with wondering ears, and excited countenance, his implements of labor lying still the while, to some recital of the sudden luck of a neighbor, who, by one single hit, had made hundreds of thousands, while himself had been earning but a week's wages. The temptation is too great—he becomes dissatisfied with his trifling gains, and longs for the splendid profits he hears of. His snug shop no longer bounds his wishes, his moderate business has become mean and worthless in his eyes, and he throws aside his implements, determined to try his fortune in the same field. He might next be seen eagerly driving the fraudulent bargain, by which some unsuspecting friend was made a "victim of misplaced confidence"—consorting with sharpers and brokers, to advance his schemes of money-making. His next appearance might be in the character of a paper aristocrat, whose splendid equipage, whose grand mansion

and seeming wealth, attract the admiration and the envy of the multitude. He condescends, he patronizes, he becomes oracular, his opinions are listened to with deference, his jokes are loudly laughed at, and quoted by the wits about town—and he passes into that class known in fashionable entomology as "*big bugs*."

But the last scene in these real sketches would, in the hands of the great master of caricature, have been instructively drawn. Beggared in fortune, shorn of his honors, and habited in the "shabby-genteel," you find him again at his old business, but not the same contented man as when he left it. His cheerful air has changed to sullen despondency; his once busy hand, that quickly plied his tools of trade, moves listlessly in his now hated task, and if not making a further wreck of himself, by the intemperate draught that promises deceitful solace to his troubles, it is a wonder. His family, fallen from that envied sphere in which so many artificial wants are learned, so many conventional necessities discovered, are pining in chagrin, and disappointed ambition is at their heart's core, rankling like a barbed arrow. This would have been a series of pictures, faithful to the life, here and elsewhere. Ah! such were some of the results, to individuals, of those Speculations of '36!

Lamentable indeed, in this and most other places of any note, from Maine to Mississippi, was it to witness the withdrawal, in '36, from their honest avocations, of tradesmen and mechanics and husbandmen, who sought an easier livelihood through the chances of speculation. Many who had for a while resisted all the allurements of the tempting bargains that were going on around them, came at last to the conclusion that their old-fashioned prudence was but foolishness—and they, too, at the eleventh hour, plunged with headlong haste into the arena, to secure the prizes that still awaited the grasp of those who sought them.

The stages, steamboats and other public conveyances, the hotels, saloons and all places of general resort, were thronged with land-sellers and land-buyers. They poured westward like an army of locusts, to devour the broad acres of the National domain, in advance of the tide of emigration which was setting with resistless force in that direction. I was at Detroit for a few

days in July, '36, and witnessed this incredible eagerness to make entries of the public lands, for which the issues of the State Banks were then received by the Government. The Receiver's office was literally beleaguered with applicants, until the sidewalk and street in front of it had the appearance of the polls at a hotly contested election. Persons intent on locating the same tract, took fleet horses on the spot, and ran Gilpin races to the land office, as if for a sweepstakes. To such a fearful extent did the speculators absorb the public lands, to the injury of the actual settlers, and the serious detriment of the States in which the lands were situated, that in July, President Jackson issued his famous Specie Circular, requiring specie alone in payment, and checked the evil, by precipitating the ruin that was then ultimately inevitable. This missive of the Executive, crashing like a ponderous battle-axe, through the paper helmets of the Rag Barons, swept them down by hundreds, and spread dismay and disaster throughout the land. Its effect was electric. Confidence, that creative agent in human society, was stunned, and reeled, and fell. The vast fabric of credit that had been reared to the very skies, toppled headlong. Fearful were the anathemas denounced against that iron-willed old man, by the bankrupted adventurers who meant to rise winners from the game. The banks contracted, like boa-constrictors, around their customers, preparatory to their subsequent suspension of specie payments, and universal panic pervaded the country. We tumbled from the zenith to the nadir—and it was a nine days' fall!

The bubble had burst! Its gigantic proportions, glittering with rainbow dyes, no longer mirrored landscapes of pictured beauty in the golden sunlight, but dissolved into the empty air. The operations were over; the sharps proved flats at last—the sparkle of success had flashed and faded—and all terrestrial things had suddenly become dull, stale and particularly unprofitable.

But, disastrous as was the pecuniary ruin that the receding tide had left behind, there was another consequence not less deplorable—the indifference to moral as well as legal obligations, which resulted from the utter inability to fulfill them. Although there was an incalculable sum of indebtedness, arising from bal-

ances due on purchases of real estate, where the debtors had already paid double what the land was worth, and were held on their bonds for perhaps as much more, the repudiation of which involved no bad faith, there was likewise a vast amount of honest and honorable debts, merged in the sweeping insolvency that followed. And when the Bankrupt Law of '42—that necessary evil—wiped out, at once, the enormous liabilities that pressed like an incubus upon the energies of thousands, there was by far too general a forgetfulness, that the obligations of honesty are more imperative than those of law. The moral tone of communities had been deranged by the excesses of the times, and few, alas! were able to resist the immunity offered alike to fraud and to misfortune. They took the legal Letheon, and all troublesome compunctions were unfelt, or unheeded.

In looking back, from this point of dispassionate observation, upon the influences that operated upon the public, like the “encasing air” we breathe, the wonder is, not that so many fell, but that any stood steadfast. The wisest judgment has not intuitive wisdom, but is formed by constant and careful observation of the acts and experiences of other men. Our estimates of value are based upon the estimates of the community around us. The adage declares

The true worth of any thing,  
Is so much money as 't will bring,

—and this is true of most material things. The shrewdest man buys and sells by the estimates of other people, although he may fancy them greatly modified by his own conclusions. We cannot be entirely independent of the influence which the example and opinions of men have upon those within their circle—their relatives, and friends, and neighbors. We may stubbornly resist it, and imagine we rely solely upon our own sagacity in shaping our ends, but we cannot change our natures. The passions are contagious, and communities are often pervaded by some strong common feeling, that could not have been excited simultaneously in so many separate individual minds. Enthusiasm is eminently of this contagious character, and enthusiasm is a main element in the propagation of speculative enterprises.

It was indeed difficult to withstand the impulse consequent upon hearing the judgments of men, of known candor and proverbial caution, deliberately pronounced in favor of purchases at prices we now know to have been wild in the extreme. Listening to such authoritative opinions and induced to distrust their own views as being "behind the times," careful men who had stood aloof during the first stages of the excitement, became giddy with gazing at the whirl around them and joined the jig at last. They threw aside their carefulness as an incumbrance that but clogged their progress to wealth and fancied happiness, and sought to make up for lost time by being rasher than the rashest. The example of such men acted upon many, who not having confidence in their own judgments, waited the lead of others whose superior sagacity they had been accustomed to look up to, and now blindly followed in their wake, thinking that where they led, must be the path of safety and success.

There is, then, great excuse for the errors of individuals when their misjudgments were sanctioned by the approval of whole communities. In our daily transactions we are now governed by the opinions of perhaps some of the very same men who were so wide of the mark in '36. I know that one citizen of great respectability and unblemished integrity, then advised the purchase of land at \$125 a foot that in three years afterwards could not have been sold for \$25. I recollect that another, of much experience, and relied on as oracular in such matters, valued unimproved lots at \$60 per foot that were subsequently sold, after twelve years' interest, taxes and assessments had been paid, for \$7!

Let us not, then, while we deprecate the madness of the Speculations of '36, too harshly blame the unfortunate men who were touched with the prevalent malady. The hallucination which came over them was a species of what Mrs. Partington would term *money-mania*. It now seems remarkable that no commissions of lunacy were then issued, in behalf of expectant relatives, to restrain the wealthy monomaniacs from making such havoc with estates that properly belonged to their hopeful heirs and longing legatees. It is astonishing, too, that the plea of insanity—generally as available in criminal cases, as was Old



Tony Weller's favorite "alibi"—was not set up to bar recovery upon those crazy contracts, by the enforcement of which men were stripped of their all. Now-a-days the bare evidence that a man had paid such prices for property as were then readily given, would be *prima-facie* evidence of his craziness. But at that time the difficulty would have been in obtaining a jury out of the "infected district," for that was as wide as the Union itself!

Let us, then, tread lightly as possible on the tender toes of those luckless men who ruined themselves while ruining others. In their haste to get rich they fell into a snare. Yet, methinks, the loss of hard-earned property, the business relations of years deranged or broken up, the shattered credit, the dependence upon precarious means of livelihood, the spurns and buffets of the world, were punishment enough for errors as venial as those chargeable to the Speculators of '36.

Not that this should in any way excuse the frauds that were so deplorably common in those operations. Those are without the palliation that may be allowed to mere rashness. Deliberate fraud is the offspring of moral turpitude and cannot be justified because it was the fashion. The obligations of honesty and fair dealing were as binding then as ever, but they seemed to have been greatly weakened by the influences which were abroad. Misrepresentation and falsehood were resorted to in numberless instances to swindle innocent purchasers, until many of the extensive operators obtained the significant and deserved cognomen of "land-sharks," and "land-pirates."

The most singular feature of the speculative mania was the blindness that seemed to have come over the common sagacity of men, who in the ordinary affairs of life, had sense enough to look to their own interests. They purchased land of persons whose responsibility was often unknown, without knowledge of the goodness of title or protection against prior incumbrances. Men of straw bought blocks on credit, giving mortgages for the purchase money, and then sold them out in lots with no provision for releases from the lien which covered the whole. Many of those lots, too, were bought or taken as security for debts by men of substantial property who assumed the fulfillment of the

obligations given for them, and went on paying three times as much as the land was worth for lots to which there was no reliable title. Farms were bought far beyond the city limits, mapped out with "Squares" and "Places" and the lots sold in New York and elsewhere to capitalists and business men as desirable locations for fashionable residences. Persons who had sold lots in the early stages of the excitement, bought them back in a few weeks or months, paying the holders a large bonus to relinquish their bargains.

Adventurers who could manage to get a few gold pieces to display in their office windows, boldly set up brokers' shops, or what are now styled "banking offices," and unblushingly charged from one and a-half to two and a-half per cent. a month for their mere endorsements of the promissory notes of individual "operators," when, by no process known to modern science, could even a "trace" of the precious metals have been found had they been subjected, with all their effects, to destructive distillation! Fatuity had taken place of Reason. Instinct, even, was gone—for that impels to self-preservation—unless it be that of the silly moth, who rushes into the gaudy flame that dazzles and devours her.

A very curious illustration of the recklessness produced by the wonderful success of some of the operators, who fancied their luck would turn everything they touched to gold, was the buying out of individuals by the lump, without inventory or estimate, which was gone into in a few instances. "I'll give you \$150,000 for all your property, except your wife and babies and household furniture," would be the bantering proposition over a bottle of champagne. "Done," says the other, and the bargain was made. The buyer took possession of the lands, tenements, mortgages, notes, book accounts, choses in action, etc., and paid over the small amount of cash agreed on for the down payment, giving mortgage security on the property for the balance. It had become tedious to purchase in parcels and nothing but big figures would answer for big buyers.

The sad sequel to the career of that wholesale purchaser in the transaction above referred to, remains to be told. I met him day before yesterday on his way to the Poor-house with a certi-

ficatc in his hand from the Overseer of the Poor, entitling him to the shelter of that last refuge of the unfortunate! Yet he figured, in '36, as worth three-quarters of a million; and so extensive were his transactions, that he kept a branch office on Broadway, in New York, for his business in that city, furnished with all the luxury of mahogany and Brussels, and a splendid piano for the musical tastes of his "hosts of friends." It should not be forgotten, that in the affluent season of his prosperity, he supported, for five years, a free school for orphan boys and girls, of whom twelve from each of the five wards of the city, had thus the privilege of a good education, and were furnished with books and stationery without charge. How striking an illustration of the mutability of human things is thus afforded us, and we may well add, "'Tis true, 'tis pity, and pity 'tis 'tis true."

It is impossible to make even an approximate estimate of the aggregate amount of speculative purchases then made in this city alone, as but a portion of the conveyances were by deed, and placed upon record. A vast number of articles, or contracts, were issued and transferred from purchaser to purchaser—the number and amount of which transactions cannot be known. But, so far as the records show, there were some twelve thousand deeds, mostly for city property, recorded during the period spoken of—being about three thousand more than had been made in the entire county, since its organization, a quarter of a century previous. If we assume that there were as many transfers by contract as by deed—and the estimate would be below the mark—we have an aggregate number of conveyances reaching to nearly twenty-five thousand. The entire amount of these purchases could have been little less than \$25,000,000. Several of the single purchases amounted to \$100,000 and even \$200,000.

The enormous demand for money which these immense operations created, was still insufficient to stagger prices, in that unnatural condition of things, and men bought and built as if reckoning day would never come. The buildings erected in this city during '35 and '36, were estimated at the time, to have cost \$2,830,000. Some of them were palace-like mansions, costing from \$20,000 to \$30,000, exclusive of their extensive and valuable grounds. In vain did the sensible admonition of

good old Dr. Watts, "build not your house too high," preach prudence to the confident builders, who went swimmingly on, rearing those castles of folly. They yet stand, in imposing magnificence, yet seldom inhabited by those who built them. They were haunted by spectres of the "Elephant"—ghosts that their luckless proprietors could easier raise than lay—and they fled from the disturbing visions, to humbler and more peaceful homes. . . .

From a Land Register which was kept in '36, I have taken the then ruling prices of fifty unimproved lots on thirty-seven streets in different sections of this city, and carefully compared them with those which the same property would bear now, and find that, tried by this test, our prices at this time are, by average, less than one-half as high as they were in '36—the disparity being greatest in locations farthest removed from the business portions.

A few instances of those prices of '36, will suffice to show their visionary character. The wildest of all were outside the old city limits, but I have no time to go beyond its then borders for samples. Within its limits, the advance made upon lands purchased by the quantity, was most incredible. I knew one tract, bought at the rate of \$2 a foot, or about \$500 an acre, in the early part of '35, sold and resold in parcels, until some of the sales made within a twelve-month afterwards, were at the rate of \$40 a foot, or \$10,000 an acre! And these last buyers purchased not for occupancy, but to get a still farther advance of the next customers! The same land is now worth \$18 per foot.

As the tendency of disastrous reactions is to go as far below the ordinary level of a natural state of things, as the feverish condition had risen above it, we reached in '41 and '42, the lowest point of which the sliding scale was susceptible. Lands were then a drug on the market, and could hardly be disposed of at any price. Sales were actually made, mostly of outer lots, however, at from one-tenth to one-twentieth of the price they bore in '36—that is, lots which had sold as high as \$35 and \$40 a foot, were then purchased for \$1.75 to \$2 a foot! Their present worth would be say \$16 per foot—showing a considerable but healthy increase.

It is touching, almost, to dwell upon the generous, trusting confidence which the speculators of '36 manifested. Nothing was too impossible for them to believe in, or to promise. Those who doubted, were literally damned, and stigmatized as "croakers," and no true friends to Buffalo and its interests. They prophesied, those speculators, like the inspired Pythoness, of the Future, and casting aside the things that were behind, pressed forward for those which were before. They gave all the evidence which men could give, of their sincerity and their earnestness, for they backed up their belief by buying. They built, on paper, the splendid Perry Monument, of white American marble, one hundred feet high (which you can't see), in front of the Churches. They in like visionary manner, erected the noble College edifice on North Street, for the University of Western New York, which was so magnificently endowed (by subscription) with professorships that rivalled the princely largesses of the Lawrences and the Appletons. They gazed with pride and satisfaction upon the massive foundations which Rathbun had commenced of that stupendous Exchange, whose lofty dome *was* to tower two hundred and twenty feet above the pavement on the Clarendon Square! Their fond error was, that they lived a generation too soon! Like many of the philosophers and reformers of the world, they were in advance of their age—or, in other words, "decidedly ahead of their time!" Were they all wrong in their enthusiastic estimate of what we shall yet be? No—no—it was only, after all, a question of time. The day-dreams of '36 shall yet become realities—but it will be after this. . . .

That era of '36 was the carnival of the usurers—those "Knights of the Golden *Fleece*." "Wheresoever the carcass is, there will the eagles be gathered together"—and they resembled that king of the feathered tribes in certainly one characteristic—they were *birds of prey*. They flocked hither from afar, greedy for gain, and swooped for the golden harvest that waved before them. In the regular broker shops, enormous amounts of promissory notes were shaved as with a jack-plane, at such rates that on "long paper" thus converted, there was about as proportionate an amount going to the hapless holder, as

was realized by the farmer whose corn was so carefully tolled by the thrifty miller that it was hard to tell which was the toll and which the grist. Beside these wholesale dealers, there was an army of "street brokers," who made a petty capital of a few hundred dollars support them, without any other labor than that of "shinning" for cash and customers.

The effect of thus diverting the money capital needed for regular business purposes, was, of course, injurious in the last degree to the merchant and the mechanic. They could ill afford to raise money in competition with speculators, whose notes mainly represented large profits. But, in the winding up of those financial operations which promised such easy fortunes to the rapacity of the money-dealers, many of those enterprising citizens came to a realizing sense of the predicament of those spoken of in the old proverb, who "went out to shear and came home shorn." The borrowers had mostly become bankrupt. There was extensive repudiation, too, among the solvent debtors, of paper, that, although usurious, had been regularly taken up or renewed as long as the bubbles of profit were floating above us and eager pursuers after them—paper that proved then as valueless as the idle air.

When the delusion could delude no longer and men all unwillingly were brought to their senses, as insane patients are made to have lucid intervals by the cold shower-bath, then followed the revulsion that inevitably succeeds high-wrought excitement, and the depression was a perfect cavity. The aeronaut whose upward flight is checked by the collapsing of his gas-filled balloon, is not more suddenly brought to Mother Earth than were the speculators hurled from those giddy heights where they were busily building castles in dreamy cloudland. "They went up like a rocket, and came down like the stick."

Then revelled the legal profession. Then came grists to their mills, that were ground by the upper and nether millstones, of which the luckless customers got the "bran and shorts."

Then the sheriffs and the masters in chancery became the great conveyancers of the landed interest, and a busy trade they made. The newspaper publishers, likewise, looked upon the last columns of legal notices that crowded their sheets, as a

special dispensation of Providence. In short, as it is truly "an ill wind that blows nobody any good," there were a few classes who were pecuniarily advantaged by the attendant consequences of the speculations.

But that the large property owners who held extensive tracts before the fever developed itself, which they sold off at great prices during the excitement, were very materially benefitted, was by no means the case except in a few individual instances. True, they made sales at large prices of much real estate, but mostly for small payments in hand, taking bonds and mortgages for the balance, as was the prevalent custom. Before the subsequent instalments became due, prices were all down, and the purchasers, mostly declining farther payments, let the lots go back to the original proprietors, saddled with the heavy cost of foreclosure, often equalling or exceeding the amount received on the sale of the land. But, granting them to have even realized large amounts on their sales, they, too, did not escape the universal mania, and reinvested their money in other localities—often in distant paper cities which they hoped to build up to great emporiums, or in the purchase of vast tracts of wild land in the Western States, which their fertile imaginations saw doubling, trebling and quadrupling in the not far-off prospective. These schemes, the wildest of the wild, were entered into, heart, hand, and purse, by men who, while selling out as rapidly as possible their Buffalo lots at Buffalo prices, were too shrewd and too cautious to buy other property here. They preferred going abroad to exercise their keen discrimination and cool judgment in selecting locations which would inevitably grow into future Buffalos, and pile up for them new fortunes in each spot of promise. They poured out without stint or hesitancy, their spare cash, and mortgaged their credit at such places as Irving, Dunkirk, Van Buren, Erie, Ohio City, Manhattan, Green Bay, Manitowoc, New Buffalo, etc., etc.,—to say nothing of Black Rock, whose whole territory, nearly, was swallowed up by a gigantic stock company of Buffalonians, who made a clear million or two of dollars—by paper estimate. As a sample of these enterprises—to give the history of them all would swell this paper to a volume—take that of the some-time

port of Van Buren, near Dunkirk. A tract was there purchased of three hundred acres, at \$25 an acre, which was converted into stock—seventy-five shares, at \$100 each. Operations were commenced on a large scale. The speculators went ahead, and being “fast men,” soon ran the shares up to \$3,000 each—thus swelling the original value of \$7,500 to \$225,000! It is unnecessary to add that the collapse which soon followed that high fever was a very cold stage, and nearly fatal to the patients of sanguine or choleric temperaments.

Nearly all of the investments thus made abroad by those who had been lucky enough to sell out at home, proved even more visionary than were the purchases so recklessly going on here, in which they knew too much to participate. Without real importance of position, the forced growth of the paper cities stopped with the short-lived stimulus imparted by the expenditure of foreign capital in building their wharves, warehouses, hotels, stores, etc., and like punctured bladders, they subsided into remarkable repose. Every sign-board over their deserted inns and silent shops and empty storehouses, was like an epitaph over buried hopes that have no resurrection. The plow again went over the lots and through the streets that had been mapped out so alluringly with squares named after the princely proprietors, and the harvest of golden grain once more waved where that of golden gain was sowed in promise, yet blasted ere it was ready for the reapers.

Thus, like the fabled apples of the Dead Sea, fair to look on, yet turning to ashes on the lips, were the fruits of even the successful operations. The cash was scarcely in possession ere it vanished, in one way or another. Those who, too wise or too timid to make new purchases when they had themselves sold out, were either tempted to loan their money upon promissory paper that proved to be purely promissory, or to endorse grievously for their friends, relatives and neighbors; of which innocent indiscretions they were generally reminded by the notary, and for which they could only receive absolution from the attorney or the sheriff. Others who escaped those ordeals which environed the wealthy, built them fine town houses or grand country seats, that soon proved a little too large for their diminished fortunes



and were sold, after a brief experiment of nabob life, for about a quarter of their cost, or if retained, involved their proprietors in pecuniary embarrassments from which the struggles of years were necessary to extricate them.

Thus evenly were the accounts balanced among the traffickers on the thronged and busy stage where the doings of '36 were done. The books of the Universe are kept by double entry, and not an act or purpose, material or mental, but has its debit and its credit. Like the poised beam, one end cannot go up without the other comes down. There must be an equivalent in the exchanges of the world or the deficiency is made up somewhere before we get through with the account. That measure which we mete out to others shall, in some shape, assuredly be measured to us again.

Are we here asked, did no good grow out of all this evil? were there no enduring benefits realized from that extraordinary enterprise which sought to develop the resources of the country, to extend commerce, to build up manufactures, to bid cities flourish where the wilderness had been? Did not the works of these mistaken men remain, even though themselves were wrecked on the rocks of folly?

There were, indeed, stately edifices built, innumerable stores, warehouses and mammoth hotels erected, canals dug, railroads projected, ships and steamboats put afloat under the impulses of '36, which remained and were of some after use. But what was gained by this precocity of growth, this anticipating by half a generation the wants and prospects of the future? The same efforts, judiciously and reasonably put forth during a more extended period, would have been vastly more beneficial and been followed by no revulsion, bringing pecuniary distress and stagnation of business in its train. The preternatural exertions inspired by artificial stimulants leave the bodily frame exhausted by the violence of unwonted action and nothing is gained by the labor performed under such excitement that is not paid for by the subsequent prostration of the system. So with the results of excessive enterprise. And, so far as labor was withdrawn from its accustomed avocations, and men sought to "live by their wits" instead of their work, there was a great positive loss. The

wealth of a country consists in nothing but its labor—that of its living generation or of the former generations, who have left their surplus earnings behind them in property or money, which is its representative. If the entire labor of this Nation were to be now suspended for a single year, there would be a total loss of over \$2,000,000,000 to the country. And the tendency in '36 to live without work was rapidly impoverishing the Nation, while individuals were amassing fancied wealth.

With all the recuperative energy which is a characteristic of our people, Buffalo for a long time suffered deeply from the effects of the unnatural stimulation of '36. Notwithstanding the large and substantial increase of trade and population that has since come to us, we have not—so to speak—begun to reach the prices which real estate bore at that time, nearly a generation ago. And we should not aspire to reach them faster than may be warranted by the gradual progress of a prospering and healthy growth. Let us hope never again to witness any periodic return of such eccentric comets as that which here reached its perihelion in '36.



# RANDOM NOTES ON THE AUTHORS OF BUFFALO.

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PAPER READ BEFORE THE SOCIETY MARCH 18 AND APRIL 15, 1889.\*

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BY FRANK H. SEVERANCE.

The present sketch undertakes to show how residents of Buffalo have exploited themselves in the fields of literature. The material achievements of this city are well known. Our iron ships and railway cars, our elevators, our stoves, our soap, and our beer are world famous; but what have we to boast in the way of historians, novelists and poets?

The putting-up of writings in book-form does not constitute literature, though it is often so regarded. As the present survey is to be of such literature as is found in books, the scope of the article would be most accurately shown by the title, "The Books and Bookmakers of Buffalo." From the first (and the fact is not peculiar to Buffalo), the best thoughts, the best presentation of facts, the strongest logic, and the most poetic verse, have been written for the newspapers. There is nothing better in our local literature than some of the work on the press, read today and for the most part forgotten tomorrow. This much of recognition to the literary quality of Buffalo journalism is due; and with this bare statement must be dismissed the many works of stirring literary worth which have enriched the newspapers of this city for three-quarters of a century.

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\*Revised and included in this volume at the request of the editor's associates on the Publication Committee.—ED.

The literary impulse came to Buffalo along with the ax and the rifle of the pioneers. The first press was brought here from Canandaigua in 1811 by Smith H. and Hezekiah A. Salisbury, brothers, and from it was issued, October 3d of that year, the first number of Buffalo's first newspaper, the *Gazette*. With the exception of a small paper printed at Batavia in 1807, the Buffalo *Gazette* was the first paper published in New York State, west of Canandaigua. The Salisburys had brought with them a small stock of books, pamphlets and stationery, which they liberally advertised in the not overcrowded columns of their paper. In the issue of November 25, 1811, was advertised "The Child's Catechism, or a New Help for Instructing the Rising Generation," etc., "for sale by J. Alexander, Minister of the Gospel." It appears as if this were printed by the Salisburys, perhaps at Canandaigua; but in lack of proof it will hardly do to reckon it as a Buffalo publication. In August of the following year the *Gazette* advertised a pamphlet lately issued from its own press, the full title of which, as we learn from copies still extant, is as follows: "Public Speeches, delivered at the Village of Buffalo, on the 6th and 8th days of July, 1812, by Hon. Erastus Granger, Indian Agent, and Red Jacket, one of the Principal Chiefs and Speakers of the Seneca Nation, respecting the Part the Six Nations would take in the Present War against Great Britain."\* Careful scrutiny of the *Gazette* columns does not discover any announcement of any pamphlet printed in Buffalo before this. How could the literature of Buffalo more appropriately begin than with the speeches of Red Jacket?

Three years after the first village had been wiped out by fire, the original Buffalo Library was organized. It was incorporated in 1816 with most of the "prominent citizens" of the place as members. It accumulated seven hundred books, and in 1838 was absorbed by the Young Men's Association. Then came the Buffalo Lyceum, the outgrowth of a suggestion made in 1832 by Theodotus Burwell. It gathered a small library and became the patron of the first literary periodical in this part of the land, the *Literary Inquirer*. This journal started in January, 1832, as a semi-monthly, at \$1.50 per year. It was "devoted to literature

\*See "The First Buffalo Book," Appendix of this volume.—Ed.

and science," was edited by W. Verrinder, and published at No. 177 Main Street. With the second volume S. G. Bacon became an associate editor, and the patronage of the Buffalo Lyceum was withdrawn.

The *Inquirer* was a good deal of a paper. It aimed, as its prospectus said, "to secure admission into the temple of science, the mart of business, and the domestic circle," and it seems to have got in. It published original poetry in plenty, also stories, and maintained special departments of several degrees of dreariness. It offered premiums for the best literary contributions, the first committee of award consisting of Theodotus Burwell, Dr. B. Burwell, G. W. Johnson, D. Tillinghast, the Hon. Millard Fillmore, the Hon. James Stryker and O. Follett. It is a matter of deep chagrin that none of the prizes was taken by Buffalo writers, though two went to the literary center of Lockport. In 1834 the first prize for an original story was taken by S. Stevens of Buffalo, afterwards of Newstead, this county. So far as discovered Stevens was the first writer of stories who lived in Buffalo. The prize narrative was entitled "The Contrast," and was a tale of Canadian adventure. It was a good story, written with more regard for style than characterizes the average newspaper tale of today. The *Inquirer* afterwards developed into a tri-weekly.

The earliest writers of Buffalo who went into the business of authorship with seriousness were usually clergymen. Ardent in the promulgation of their own 'doxies, they delighted in controversy and argument, whether in pulpit or pamphlet. It is worthy of note in passing, that the Buffalo press developed early. Although, as already noted, the first printing-press was set up here in 1811, the power-press did not come until 1836; yet books, well printed and durably bound, were published here several years before that date. In 1824 H. A. Salisbury published the Apocryphal New Testament in most creditable style. Two years before that, in 1822, the same enterprising publisher brought forth a big book with the following sufficient title: "A Religious Convincement and Plea for the Baptism and Communion of the Spirit, and that which is of Material Bread, Wine and Water rejected as Jewish Rites; both unprofitable, and the cause

of Great Division among Christians; also some Remarks on the Abuse, Use, and Misapplication of the Scriptures, and the Ecclesiastical Succession refuted; whereby the Rite to Ordain by the Laying-on of Hands is lost; besides not necessary to qualify a Gospel Minister." It is not surprising after such a title, to find that the author, one Tallcut Patching, required four hundred and fifty-three pages for his long-drawn patch-work. A card at the end of his performance, after the fashion of the colophon in ancient tomes, informs the reader that "a copy of this Book may be had by applying to the Author at Boston, Erie Co.," showing that this devout gentleman narrowly escaped being a Buffalo author. His work, though, well bound in calf, is greatly to the credit of Buffalo's pioneer publisher. It would seem as if, in the decade that elapsed between the issuance of Granger's and Red Jacket's "Public Speeches" and this work of Patching's, some book or pamphlet should have come from Salisbury's press; yet I know of nothing (newspapers excepted) with a Buffalo imprint from 1812 to 1822.

Nor do I undertake to say what was the first book of strictly local authorship. The earliest one learned of after Patching's was a volume of "Letters, addressed to several Philanthropic Statesmen and Clergymen, vindicating Civilized and Christian Government, in contradistinction to Un-Civilized and Anti-Christian," which rather gratuitous service was performed by John Casey, agent for promoting the "Establishment of Peace" societies. The book was printed by Lazell & Francis in Buffalo, in 1826. In the same year this firm also published Frederick Butler's "History of the United States."

Dr. Cyrenius Chapin came to Buffalo in 1801, and died in 1838. In 1836 he wrote, and D. P. Adams, proprietor of the *Advocate* office at Black Rock, published, a pamphlet review of a then recent book, by John Armstrong, entitled "Notices of the War of 1812." Dr. Chapin was a major in that war, and Armstrong was Secretary of War. Dr. Chapin's little book says of the latter's work that it contains "Some truth, some gross blunders, and many falsehoods." The work of this early local writer is delightfully fierce, but has its value as a contemporary record of those troublous days along the Niagara.

The Rev. Miles P. Squier, D. D., was installed pastor of the Presbyterian Congregation in Buffalo, May 3, 1816—the second minister of that sect to undertake Gospel work here. He was not only a devout man, fitted for hardy pioneer work, but possessed literary tastes and ability. Many writers on the early days of Buffalo have borne witness to the good and refining influences exerted by Dr. Squier, who during the seven years and over of his pastorate added one hundred and fifty-eight members to the “Old First.” The Rev. Dr. A. T. Chester, in a poem read at the semi-centennial of the First Church, thus happily referred to this pioneer :

The past is all thine own ; look back and see  
How graciously thy God hath dealt with thee.  
Pastors have served thee, faithful, pure of blame,  
Worthy to wear that consecrated name.  
Squier, of keen mind and philosophic acts,  
Thy patient shepherd in the days long past,  
Now solves the problem, “Where does ill begin ?”  
Gives God the glory and to man the sin.

For many years Dr. Squier sent occasional articles to the *American Biblical Repository*, the *Bibliotheca Sacra*, the *Presbyterian Quarterly and Theological Review*, the *New York Observer*, and the *New York Evangelist*. As an author he is most widely known by the volume—happily referred to by Dr. Chester—entitled “The Problem Solved, or Sin not of God,” published in 1855 ; and by the larger, more popular and more useful volume entitled “Reason and the Bible, or the Truth of Revelation” published in 1860. In 1849 Dr. Squier became professor of intellectual and moral philosophy in Beloit College, a post which he held for fourteen years. He died June 22, 1866. Since his death many of his lectures and sermons have been published, among them being a collection entitled “Ten Lectures on European Topics, and Lectures at Beloit College.”

There will be no serious effort to be strictly chronological in these notes, but rather, to group writers according to the character of their work ; and so we turn at once to the following passage which John Quincy Adams wrote in his Diary :

*October 29, 1843, Buffalo :* Mr. Fillmore offered us seats in his pew at the Unitarian Church, which we accepted. The preacher was Mr. Hosmer.  
. . . An excellent and eminently practical sermon.



The Rev. George Washington Hosmer came to Buffalo in 1836, and was installed pastor of the Unitarian Church (Church of Our Father), a post which he faithfully held until 1866, when he accepted the presidency of Antioch College, at Yellow Springs, Ohio. He died in 1881. The following year his children published a memorial volume containing an account of his life and a choice collection of his sermons and miscellaneous writings, several of the latter being papers prepared for the Historical Society. He is well entitled to a place among the authors of Buffalo.

As we look back along the ranks of earlier years, the form of Dr. John C. Lord appears, looming, like Saul, head and shoulders above his companions. The figure is used in an applied, and not a literal sense. It was as a thinker, as a moral and literary force, that Dr. Lord was distinguished. Pioneer, preacher and poet, there are few names in our roll of honor worthier than his. He was pastor of the Central Presbyterian Church for thirty-eight years. He gathered what in his day was the most valuable private library in Buffalo. All his life long he was a great lover of books, almost as Macaulay himself, and he was full of information on nearly every subject. He was a rapid writer, many of his most eloquent sermons and addresses being prepared so quickly that from the pen of a man less thoroughly well informed they would have been superficial and uninteresting. "He writes rapidly," says Dr. Samuel Johnson, "who writes out of his own head," and Dr. Lord was one who had rarely to refer to a book after he took his seat at his desk.

He loved Buffalo. Among his poems, which were published in book form in 1869, he has not forgotten to sound her praises:

Queen of the Lakes, whose tributary seas  
Stretch from the frozen regions of the North  
To Southern climates, where the wanton breeze  
O'er field and forest goes rejoicing forth:

As Venice, to the Adriatic Sea  
Was wedded, in her brief, but glorious day;  
So broader, purer waters are to thee,  
To whom a thousand streams a dowry pay.

What tho' the wild winds o'er thy waters sweep,  
 While lingering Winter howls along thy shore,  
 And solemnly "deep calleth unto deep,"  
 While storm and cataract responsive roar.

'Tis music fitting for the brave and free,  
 Where Enterprise and Commerce vex the waves;  
 The soft voluptuous airs of Italy  
 Breathe among ruins and are wooed by slaves.

Thou art the Sovereign City of the Lakes,  
 Crowned and acknowledged; may thy fortunes be  
 Vast as the domain which thy empire takes,  
 And Onward as thy waters to the sea.

In a memorial paper on Dr. Lord, read before the Buffalo Historical Society, April 2, 1877, the Hon. James O. Putnam has given to local history a valuable study of the life, character and labors of Dr. Lord, who was, to quote Mr. Putnam's words, for many years a large part of the intellectual, the moral, and, in its best sense, the political history of Buffalo. . . . Himself a poet, his fancy literally revelled in the imagery of the Hebrew melodists. I doubt if I ever heard him preach that he did not invest much of his thought with the poetry of the Old Testament.

As illustrating his love for sacred poetry, Mr. Putnam has related how he called on Dr. Lord, a few weeks before his death:

He asked me to read the translation of the Russian Hymn to the Deity—a favorite, and a hymn of marvelous grandeur and sublimity. The reading concluded, he pronounced it the noblest of modern hymns of praise. I said I knew another not unworthy to go with it, and read his own "Ode to God." At the conclusion of the reading, the tears flowing down his cheeks, he said: "It is better than I thought."

The "Ode to the Deity" is the first in the volume of Dr. Lord's collected poetry, written during a period of forty years and first published by Breed & Lent of this city in 1869. It is a noble production of eighty-eight lines, the exalted and impassioned character of which is fairly shown by the following fragment:

Millions of eyes, oh God, are gazing out  
 Upon Thy works—Who knows them? Who hath found  
 The bound of Being? Philosophy, in doubt—  
 Explores, irreverent, the eternal round,

And Reason wanders wide, till she has heard  
The still small voice of Thy revealèd word,  
Which unfolds mysteries to her darkened sight,  
And proves, whatever else is wrong—that God is right.

Several of Dr. Lord's poems, including "The Silent Sorrow of the Enfranchised Slave," suggested by the obsequies of President Lincoln in Buffalo, and the one entitled "Kings and Thrones are Falling," have attained a much more than local favor. Of the latter, Mr. Putnam says "it was hailed on both continents as an embodiment of the spirit of the epoch." The temptation is strong to quote at length from Dr. Lord's poetry, but space will be asked only for the following lines, which not only illustrate Dr. Lord's skill as a sonneteer, but constitute a graceful tribute to a distinguished citizen whose numerous contributions to letters are of a high order :

TO JAMES O. PUTNAM, ESQ.

How often, James, thy thoughts do overleap  
The narrow boundary of our working life,  
Which seems to thee but an ignoble strife,  
Where none do walk upright, but only creep  
To their mean ends; a harvest which to reap  
Demands a hardened heart and sharpened knife,  
A soul with petty, selfish interests rife.  
So gifted men repine; yet in the deep  
And awful counsels of the Eternal King,  
Our daily life doth make our destiny;  
For this world's labors no defilement bring  
To him who, faithful in his passing day,  
Knows that its fleeting moments ever fling  
Their lasting shadows on Eternity.

A volume of Dr. Lord's lectures on the "Progress of Civilization and Government, and Other Subjects," most of them delivered before the Young Men's Association of this city, was published here in 1851. It is a good book to read.

Writing of Dr. Lord recalls another name which should be included in this review. From 1843 to 1849 the Rev. Stephen R. Smith was pastor of the Universalist Church of this city. His spirit and zeal aroused Dr. Lord, who preached vigorously against Universalism. This resulted in a lively and prolonged

controversy between the rival churches, which, "though in midst of summer," as is naïvely remarked in a memoir of Mr. Smith, "called out good houses." A book of over four hundred pages, devoted to the life and labors of Mr. Smith, was published in Boston in 1852. It was prepared by Thomas J. Sawyer, but is largely Mr. Smith's autobiography.

When the Rev. Albert T. Chester, D. D.,\* was installed pastor of the North Church, the sermon was preached by the Rev. M. La Rue P. Thompson, D. D., then pastor of the First Church. His sermon was published in pamphlet form, with an appendix of notes in which the controversial points were elaborated and strengthened. The title of the sermon was "The Office of a Bishop." This drew out from the Rev. Montgomery Schuyler, then rector of St. John's, a series of lectures, preached to his own congregation, asserting and vindicating the Episcopal ideas of church order. These lectures were published here in a little volume entitled, "The Church: Its Ministry and Worship." No sooner had it appeared than Dr. Thompson, who was a doughty champion of parity as against prelacy, girded himself for an onslaught upon Schuyler, and within the space of a very few weeks prepared a volume which bore the same title that Schuyler had given to *his* volume—"The Church: Its Ministry and Worship." It was a book of between three hundred and four hundred pages, and was a clear and vigorous piece of writing. Dr. Thompson, in his preface, by way of apology for the length of his argument, says "he didn't mean it, and he couldn't help it." He was a man who was not accustomed to hold his hand when engaged in controversy; and the evidence of this is to be seen in many caustic passages of the volume under notice.

But not all the local writings, even of the early days, were theological and controversial. Masonry, anti-Masonry, Spiritualism, and Phrenology were subjects of the day fifty years ago which bred books in many a Western New York town. In 1839 J. Stanley Grimes, a famous disciple of Gall and Spurzheim, and president of the Western Phrenological Society, sojourned at Buffalo and published here his "New System of Phrenology."

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\*Died Aug. 7, 1892.

In the same year R. W. Haskins, A. M., brought out here a "History and Progress of Phrenology." He subsequently published numerous scientific and philosophical works, a school text-book on astronomy, critical essays, etc.; he was a man ahead of his generation; but the annals of science preserve his name with honor.\* A wave of Fourierism, too, was early felt. Albert Brisbane, a man of wealth and genius, came here from Batavia. With his brother George he built the Arcade,† and owned that profitable property for many years. In 1840 he published a work named "Social Destiny of Man; or Association and Reorganization of Industry." It is an exhaustive presentation of the doctrines of Fourier; any one who tries to read its five hundred pages today will find it not only exhaustive but exhausting. In 1843 Mr. Brisbane published a second work, "Association; or a Concise Exposition of the Practical Part of Fourier's Social Science." In recent years he was much abroad, making occasional visits to Buffalo.

Early in the '30's Oliver G. Steele was publishing well-prepared guide-books to Niagara Falls, and other similar works. From Steele's press in 1837 came "A Canadian Farmer's Travels in the United States," by Robert Davis. Six years later A. W. Wilgus published an interesting book entitled "Letters from Van Dieman's Land, written during five years' imprisonment for Political Offenses committed in Upper Canada." The author was Benjamin Wait, who became practically a resident of Buffalo, though his family home was just across the Niagara River. The "Rochester Rappings" brought forth several local pamphlets, which are now historical curiosities rather than contributions to literature.

In that imperial path of letters, the writing of history, Buffalonians have always walked with honor. At the *Madisonian* office in Washington, D. C., in 1839, Samuel Wilkeson published "A Concise History of the Commencement, Progress and Present Condition of the American Colonies in Liberia." This now rare work is very valuable as a record of facts relating to

\*For more extended notice of Mr. Haskins's works, see *ante*, pp. 257-284.

†Burned Dec. 14, 1893. Site now occupied by the Mooney & Brisbane building.

negro emigration from the United States to Liberia, and relates the first efforts made in that direction under Paul Cuffee in 1815. Several years later another Buffalo writer turned his attention to this subject. In 1852 W. L. G. Smith wrote, and Geo. H. Derby & Co. of this city published, "Life at the South, or Uncle Tom's Cabin as it is, Being Narratives, Scenes, and Incidents in the real Life of the Lowly." Mrs. Stowe's "Uncle Tom's Cabin" had appeared as a serial in the *National Era* in 1851 and '52. Mr. Smith's book drew a far happier picture of negro slave-life in the South than did Mrs. Stowe's great work. The Buffalo author's main idea was Liberia. "Disinterested philanthropy," he wrote, "looks to the amelioration of all conditions, and the enlightenment of all classes of society; and although the lot of the slave may be regarded as the lowest in the scale, still the candid-minded in every section of our country, indulge the hope that the day will yet come when the descendants of Ham will be gathered together in the land of their ancestors, and Liberia, in God's time, take its position among the independent states of the world." How times have changed!

W. L. G. Smith was a notable figure in the ranks of Buffalo authors. He was a well-known attorney here for a number of years. Besides the work above mentioned he wrote "The Life and Times of Lewis Cass," a bulky octavo of nearly eight hundred pages, published in New York in 1856. He was afterwards appointed United States Consul to Shanghai, and in 1863 published an interesting volume of "Observations on China and the Chinese," which he dedicated to the Hon. Lewis Cass.

The names of Ketchum, Turner and Marshall constitute a trinity of chroniclers whose work is the standard, each in its field; although in the appreciation of historical perspective, and the literary use of material, the last-named is immeasurably superior to the two first mentioned. William Ketchum's "History of Buffalo and the Senecas," in two volumes, was published in Buffalo by Rockwell, Baker & Hill, in 1864. This work, which was dedicated to the Hon. Millard Fillmore, President of the Buffalo Historical Society, grew out of an historical notice of the Six Nations of Indians. So attractive did Mr. Ketchum find the Indian material that he devoted the whole of

the first volume to it, as well as a considerable part of the second volume. He brings the history of Buffalo down to the close of the War of 1812. Several writers have covered the recent years, none more reliably than Mr. Crisfield Johnson, whose "Centennial History of Erie County" (1876) is unsurpassed in its class of histories. Mr. Johnson is also the author of a work entitled "The One Great Force."

O. Turner's "Pioneer History of the Holland Purchase" and his history of the Phelps & Gorham Tract cover a period of local history with which no other narrative so thoroughly deals. The former work, published here in 1849, is an authority on ancient remains, on the Confederated Iroquois, and the transactions of the Holland Company. A brother of the author, Mr. Chipman P. Turner, formerly of Black Rock, was also a writer of pamphlets on local history. Unlike Mr. O. Turner, Mr. Ketchum was long identified with Buffalo as a resident.

Orsamus Holmes Marshall was a historian whose name ranks with those of Parkman, Schoolcraft and Bancroft. Not that his work rivalled theirs in scope, but what he did he did as well as they. He was born in Connecticut in 1813, and died in Buffalo in 1884. He was admitted to practice law here in 1834, and was a prominent member of the bar until his relinquishment of practice in 1867. His son lately said of him to the writer: "My father was a lawyer, not a professional writer"; yet he gained a wide reputation as the historian of the aboriginal inhabitants of Western New York. He could follow an Indian trail—in musty documents and traditions—as his personal friend, Red Jacket, could in the woods. He did a welcome service in putting in modern narrative form the records of the early French explorers, and in correcting their errors. Many of his writings were prepared for the Buffalo Historical Society. Since his death they have been collected, and were published in 1887 in book-form by his son, Mr. Charles D. Marshall, with an introduction by Mr. William L. Stone. Mr. Marshall's work is conspicuous alike for its accuracy and for the charm of its unadorned but pure and delightful diction.

The historical publications of the late Hon. Lewis F. Allen, if collected, would make a valuable book. Mr. Allen's labors as

originator and editor for forty years of the Short-Horn Herd Book must have mention. So, too, should his writings on arboriculture, drainage, and kindred subjects. Here may also be mentioned Gen. James C. Strong's book, "Wah-kee-nah and her People," a study of North American Indian customs and traditions, particularly as observed by the author among the tribes of the Columbia River; and "The Iroquois and the Jesuits," by the Rev. Thomas Donohoe, D. D. (1895.)

It is impossible to speak of the writings of all of our citizens who have contributed to the literature of local history. The publications of the Buffalo Historical Society contain valuable papers by the Hon. Millard Fillmore, the Hon. Lewis F. Allen, the Hon. James Sheldon, David Gray, William Hodge, Wm. Clement Bryant, Charles D. Norton, O. G. Steele, James L. Barton, Nathaniel Wilgus, the Rev. S. Falk, Joseph Dart, Col. William A. Bird, Ismar S. Ellison, Guy H. Salisbury and many others who have made substantial contributions to our local literature. Miss Jane Meade Welch, William Horace Hotchkiss, Frederick L. Shepard and others in recent years, have contributed carefully prepared historical and descriptive articles to the magazines.

There are many books by Buffalo writers on events connected with the Civil War. Capt. Orton S. Clark wrote a "Complete History of the 116th Regt., N. Y. Vols."; Maj. George H. Stowits chronicled, in a well-illustrated volume, the "History of the 100th Regt., N. Y. Vols."; "What I Saw and Suffered in Rebel Prisons," is a graphic and pathetic narrative, written by Sergt. Daniel G. Kelly, of the 24th N. Y. Cavalry. Kelly was an East Aurora boy; his book was published in 1866, the Rev. Anson G. Chester, then military agent at Buffalo, furnishing the introduction. A number of patriotic songs by Sergt. Kelly are not the least valuable part of his little book.

Here too should be mentioned Gen. A. W. Bishop's "Loyalty on the Frontier," incidents and adventures in the Rebellion on "The Border." At the time of the publication of this volume, which appeared in St. Louis in 1863, the author, now a well-known attorney of Buffalo, was Lieut.-Colonel of the 1st Arkansas Cavalry Volunteers. Among Gen. Bishop's more recent publications, special mention should be made of his political



pamphlet entitled "What is the Situation Now?" in which he replies at length to the statements contained in a work entitled "Why the Solid South?" compiled by Hilary A. Herbert, afterwards Secretary of the Navy. The latter work is really an account of affairs in the South during the Reconstruction period, written from the Southern point of view. The civil reorganization of the South after the War was a work calling, in its way, for patriotism and even individual bravery not inferior to the qualities demanded by warfare. Many a man who to the Southerner was a much-reviled "Carpet-bagger" was as devoted in his loyalty to country in the discharge of duties incident to civil reconstruction—duties usually undertaken amid countless embarrassments—as were the generals who led our troops to battle, and is equally entitled to grateful remembrance. In the work "What is the Situation Now?" Gen. Bishop replies to some of the statements in the Southern-compiled book, so far as they apply to the State of Arkansas. He was Adjutant-General of that State from the time of the organization of a loyal Government in 1864 till 1867 and was afterwards president of the Arkansas Industrial University, one of the monuments of the despised "Carpet-bag" rule. The nature of his answer to Gov. Fishback of Arkansas in "Why the Solid South?" may be judged by a single reference. Mr. Fishback referred to the economy of the "Democratic" Government of Arkansas from April 18, 1864, to October 1, 1866. Gen. Bishop says: "The Government of the State of Arkansas, for the period 'from April 18, 1864, to October 1, 1866'—Mr. Fishback's two and one-half years—was not under Democratic rule at all. It was the Government of the Union men of the State, and was organized under and in pursuance of President Lincoln's proclamation of December 8, 1863, for the reorganization of Civil Governments in the seceded States." The work has an importance far beyond its size, in that it shows the unreliability of the "Solid South" book, which was particularly addressed to Northern readers.

In the holiday season of 1886-7 was published an admirable book, entitled "Recollections of a Private in the Army of the Potomac." W. D. Howells compared it to Tolstoi's war stories. The author was a well-known "Buffalo Boy," Frank

Wilkeson. J. Harrison Mills, soldier, artist and author, wrote a voluminous work, entitled "Chronicles of the 21st Regiment, New York Volunteers," in the ranks of which regiment the author was wounded. His book, published in 1863, has had several editions.

One of the most thrilling episodes connected with slavery was the killing of the Rev. Elijah P. Lovejoy by a pro-slavery mob, at Alton, Ill., on the night of Nov. 7, 1837. Mr. Henry Tanner of this city was not only an intimate associate of Mr. Lovejoy, but was an eye-witness of the tragedy. The terrible story is thrillingly told in Mr. Tanner's book, "The Martyrdom of Lovejoy," published in Chicago in 1881.

James K. Hosmer, A. M., late professor of English and German literature in the Washington University, St. Louis, Mo., now Librarian of the Minneapolis Public Library, is a son of the late Rev. Dr. Hosmer of this city, whose literary work has already been noted. The son grew up in Buffalo, and is by no means a stranger here now. He graduated at Harvard in 1855, and entered the ministry, but on the outbreak of the Civil War went to the front as a private in the 52nd Regiment, Massachusetts Volunteers. He remained with that regiment, in the ranks, declining a place on the staff of Gen. Banks, and accepting, as a friend has written, "no preferment save a place in the forefront of peril, as one of the corporals intrusted with the defense of the colors of his regiment." This service ushered him into a career in letters. His first book, "The Color Guard" (1864), is one of the best War books ever published. Its popularity is attested by the worn condition of several copies in the Buffalo Library. The Boston *Advertiser* called it "the counterpart of Dana's 'Two Years Before the Mast.' " "The Thinking Bayonet" appeared in 1865. He has also written a "Life of Samuel Adams," in Houghton, Mifflin & Co.'s excellent "American Statesmen" series; a forerunner of this work was Prof. Hosmer's "Samuel Adams, the Man of the Town-Meeting," published in the Johns Hopkins University series of "Studies in History and Political Science." In 1879 Prof. Hosmer brought out "A Short History of German Literature." Among his more recent works are a "History of the Jews," in

Putnam's "Stories of the Nations" series; a biography of Sir Henry Vane; "How Thankful was Bewitched," a romance of "Queen Anne's War"; and "The Life of Thomas Hutchinson, Royal Governor of the Province of Massachusetts Bay."

To the list of Buffalo's War authors should be added the names of Cyrus K. Remington (author of "A Record of Battery I., otherwise known as Wiedrich's Battery," etc.), "The Ship Yard of the Griffon," etc.), and C. W. Boyce, whose chief work is "A Brief History of the 28th Regiment, New York State Volunteers," etc., published in 1896.

Several Buffalo writers have won distinction in peculiar fields of literary research. Edward P. Vining, the son of George Vining, a former music-teacher of this city, is the author of a scholarly and laborious work, entitled "An Inglorious Columbus," published in 1885. In this big book the author gives evidence that Hwui Shan and a party of Buddhist monks from Afghanistan discovered America in the Vth Century, A. D. Mr. Vining is also the author of "The Mystery of Hamlet—an Attempt to Solve an Old Problem." This work, which is dedicated to H. H. Furness, the eminent Shakspearean scholar, argues that the feminine element in *Hamlet's* nature is the secret of his mysterious behavior. Buffalo has another Shakspearean student, Mr. George Alfred Stringer, whose compilations, "Shakspeare's Draughts from the Living Water," and "Leisure Moments in Gough Square," are well known. The latter book is a collection of the beauties and quaint conceits of Johnson's Dictionary, and is prefaced by an agreeable essay on the Great Cham of Literature.

If we turn to biography, we again find Buffalo furnishing both subjects and authors. The best biography of the late President Fillmore was written by Ivory Chamberlain of this city. The best biography of President Cleveland, at least in some essential respects, was written in 1884, by the late Hon. William Dorsheimer, a former resident of this city. Mr. Dorsheimer had known Mr. Cleveland ever since the latter first came to Buffalo, and was well acquainted with the events of his life here. Upon his title-page Mr. Cleveland is described as "the model citizen, eminent jurist, and efficient Governor of the

Empire State," and Mr. Dorsheimer is designated as "the bosom friend and chosen biographer" of Mr. Cleveland. Mr. Dorsheimer was a strong and picturesque writer. Mr. Deshler Welch, a Buffalo man of reputation in metropolitan journalism, has also written a creditable biography of President Cleveland.

"The Life and Times of the Rt. Rev. John Timon, D. D., first Roman Catholic Bishop of the Diocese of Buffalo," by Charles G. Deuther, is in all respects a Buffalo book. Bishop Timon was Bishop Ryan's predecessor. He organized the Catholic church in this city, and spent the last twenty years of his life here. Mr. Deuther prepared his biography with much thoroughness and accuracy, and gave to his work considerable literary quality. The book was published by the author in Buffalo in 1870, and remains the standard life of this eminent prelate, as the Rev. Patrick Cronin's "Memorial of the Life and Labors of Rt. Rev. Stephen Vincent Ryan," etc. (1896) is the final and satisfactory life of the second Catholic Bishop of Buffalo.

Mr. George J. Bryan has contributed to local history and biography in his volume entitled "Biographies and Journalism," published in 1886. In 1849 Mr. Bryan wrote and O. G. Steele published a "Life of George P. Barker."

Beyond question the most distinguished author whom Buffalo has claimed as a resident was Bishop Arthur Cleveland Coxe. His literary labors extended over sixty years. Appleton's "Cyclopædia of American Biography" enumerates twenty works of which he is author or editor, and the list there given is incomplete, for since that sketch was prepared he published a course of college lectures entitled "Institutes of Christian History," and perhaps other works not now recalled.

As an author, Bishop Coxe was distinguished first of all as a poet; second, as a historian, an expositor and expounder of doctrinal truths; third, as a controversialist, especially in refutation of the claims and arguments of Roman Catholicism. He published several volumes of poems before receiving ordination, in 1841. One of these, "Athwold," appeared in 1838, and a few years since was again brought out in an enlarged edition after suppression for forty years. In 1840 he published his best-

known volume of poems, the "Christian Ballads," reprinted in Oxford, and running through many editions since. In a recent revised edition the author says that the Ballads "were produced and published for ephemeral circulation, and with no anticipation of the favor with which they have been constantly demanded in successive editions in Europe and America." Again he says that they were not designed as religious poems in the proper sense, but they were intended to show that there are natural relations between genuine religion and good taste. There is much interest in his account of the purpose and reception of this work:

It is gratifying to observe the progress of our civilization and the improvement of the popular taste in art; but the author must beg his readers to remember that many things which are now familiar to everybody in America, were wholly unknown among us when these Ballads were produced. Their author was obliged to imagine much that may now be seen in almost every part of the land. When he wrote them there was not a church in the country which could sustain any other than the most moderate pretensions to architectural correctness in design or decoration. He had never seen more than a few panes of stained glass in a church window, nor heard a complete chime of bells; and there was not to be seen on this continent, so far as he is informed, an open roof or a well-defined chancel, or genuine aisles, or a nave with a clere-story. Floral decorations were almost unknown, and children were not provided with a single carol. It has often been asserted by generous critics, like the late Dr. Croswell, that the publication of the Ballads contributed largely to introduce the change in popular taste; but the author is well aware that his own delight in such things was the product, in a great measure, of what Dr. Croswell and Bishops Doane and Hopkins and Dr. Muhlenberg, with others that might be named, had been doing before. From the progressive future he anticipates a great reduction in the popularity of his verses. They will fail to please when what is now agreeable in fancy becomes common in fact; and it is the height of his ambition with regard to them, that they may yet do something to hasten the time when they will be quite superfluous.

The Ballads have gained rather than lost popularity. Their place in American literature has long been secure. The first edition enjoyed an entirely unexpected success. It brought to the writer, he tells us, kindly greetings and pleasant letters from many parts of the world. In foreign travel it opened his way to cottages and to castles; he found it on the shelves of Eton boys, and in the rooms of grave fellows of the Universities. In Ireland he was presented with a curious series of imitations of

"Dreamland," some grave and some comical; and of Scotland and Wales he owed some of his happiest recollections to incidents connected with the circulation of the Ballads, in several forms. To Count Tasca, the eminent poet and patriot of Northern Italy, he was indebted for the introduction of several of them to his countrymen, in spirited translations; and the Count de Montalembert has unwittingly connected a stanza from one of them with a work which will be ever memorable in the history of the French Empire. In his famous philippic "*Un Debat sur l'Inde au Parlement Anglais*," the Count introduced a historical relation, carrying with it a stinging reflection on the contrast between the state of things in England and in France, concluding with a quotation of Bishop Coxe's stirring lines:

"Now pray we for our country,  
That England long may be  
The holy and the happy,  
And the gloriously free!"

The Count told how he had heard 40,000 English children sing a song of which the refrain was a literal version of Bishop Coxe's verses, little imagining that this refrain was taught them by an American, "whose affection for the Motherland might have furnished the French Emperor with another salutary reflection upon the power of English Christianity and civilization over many who owe no subscription to the English Crown."

Of the poems included in the Christian Ballads, several are widely current among Christians of many denominations. The "Hymn of Boyhood," "St. Sacrament," and "The Chimes of England" are among the favorites; while no Christmas composition rivals in favor the "Carol" beginning

Carol, carol, Christians,  
Carol joyfully;  
Carol for the coming  
Of Christ's nativity.

"The Ladye Chace," a ballad, edited by Francis Philip Nash (editions of 1837 and 1877), aimed, for the first time apparently in our country, to carry the reader back to the fields of old English history. It was an enthusiasm inspired by Bishop Percy's

"Reliques" that led the author of "The Ladye Chace" to attempt a song of Alfred, only to relinquish it for this more dramatic story of Edgar. The poem is founded upon the facts of King Edgar's marriage with Elfreda.

Of Bishop Coxe's prose works, several are famous in the history of church literature. His "Apology for the English Bible" (1854) ultimately led to the suppression of new and crude revisions which had been brought out by the American Bible Society. "Anglican Orders" was a series of papers originally contributed to the Paris journal *Union Chrétienne*; "An Open Letter to Pius IX." (1869), in answer to the brief convoking the Vatican Council, was translated into many languages, and had wide circulation in Europe; "*L'Episcopat de l'Occident*," published in Paris in 1872, was a new presentation of the history of the Church of England, and a refutation of Roman Catholic attacks. In 1873, in collaboration with Bishop Wilberforce and others, he engaged in a serial publication, issued at Oxford, in defense of Anglo-Catholic principles against either extreme. He took an active part in opposition to the New Testament revision. Among his many writings should be mentioned, if by title only, "Sermons on Doctrine and Duty" (1855), "Thoughts on the Services" (1859), and "Apollos; or, the Way of God" (1873). Besides these, and several other volumes of verse, he published many tracts, editions and translations of foreign works, lectures, pamphlets on special occasions, etc.

A unique product of his pen is "The Bible Rhyme: a Lesson for Old and Young," published in Philadelphia by Lippincott and in Buffalo by Martin Taylor, in 1873. Here is a sample of this easily-memorized version of Scriptural truth:

Saints Matthew, Mark, Luke and John  
Tell what Christ did for Adam's race;  
The Acts the Holy Ghost make known;  
The Romans how we're saved by grace.

Among the later literary labors of Bishop Coxe was the editing, with large additions and notes, of an American edition of the Edinburgh "Translations of the Ante-Nicene Fathers," edited by Drs. Roberts and Donaldson.

Several resident Catholic clergymen have combated Bishop Coxe. The late Bishop Stephen Vincent Ryan of the Diocese of Buffalo, on one memorable occasion entered the lists. His work is entitled: "Claims of a Protestant Episcopal Bishop to Apostolical Succession and Valid Orders Disproved, with Various Misstatements of Catholic Faith and Numerous Charges Against the Church and Holy See Corrected and Refuted." This work was published in 1880.

In an article like the present one, there is no offense in allowing extremes to meet. It was all very well for Bishop Coxe to put Bible truths in rhyme, but where shall we class an author who produces a city directory in verse? Such a bard there was in the humble person of the Hon. James Torrington Spencer Lidstone, who came to Buffalo, bringing his name with him, about 1850. In 1851 he published, under "universal patronage," "The Queen of the West," announcing himself, with probable truthfulness, to be "the first that ever attempted to publish a poetical directory for any town or city, in any age or clime of the world." A few samples are absolutely necessary for an appreciation of this work. Under the address of a plumber's firm we read:

This eminent firm all others now surpass  
As house-plumbers, fitters-up of gas.  
Gas fixtures here of every style and grade,  
They have on hand or are to order made.

He paid his respects to many citizens in rhyme; declared the Hon. E. G. Spaulding

As good a man as ever lived along  
Lake Erie's realm, or graced a poet's song,

and "wound his horn" for David Bell in this inspiring strain:

Vulcan in Norton Street doth dwell,  
Here all his powers reside,  
And Neptune gets from Mr. Bell  
His works to stem the tide.

The Hon. J. T. S. L. seems to have been unable to "hire a hall," for his muse complains:



I've pealed my anthems thro' your Western skies,  
 And sung your worth and public enterprise,  
 But candor prompts the orator to say  
 That his was disappointment from the day  
 He set his foot upon your shores, to know  
 You had no public halls in Buffalo.

Once more only will we exhibit this later Ossian of "the teeming West" in the act of pealing his anthem. Hear him as he sings of that familiar Main Street landmark, "Gothic Hall":

Hail, wonder of the West! thou Gothic Hall,  
 That for classic splendor rivals all  
 The buildings reared, or towers that sent  
 Their heights to heaven, from off this continent.  
 I thought assembled Congress bid thee rise  
 Instead of private din and enterprise.  
 Thy architecture, grandest and the best  
 Of all the regions of the teeming West;  
 In this emporium pyramids of clothes arise  
 Made in the world's best manufactories.  
 Speak out, my muse, in strong and truthful lays  
 All made within the last 3 months or 90 days.

Gothic Hall has long been o'ertopped by greater buildings, but no singer has yet o'ertopped the author of Buffalo's only poetical directory.

There is rarely to be met with, nowadays, a little volume, published here in 1854, entitled "Poems written during His Early Professional Years, by the Hon. Jesse Walker," with a brief notice of the author by the Rev. Montgomery Schuyler. Jesse Walker was an early Judge of Erie County, a native of Vermont, who in 1835 moved to this city, where he died in 1854. His verses were mostly written during the first years of his professional life; though not of a high order, they never descended to doggerel, and usually adorned and preserved some historic incident or Indian romance. One of Judge Walker's poems is "Tehoseroron" (the Indian name for Big Buffalo Creek), beginning:

O beautiful and softly-flowing river,  
 The gentlest of the torrent's daughters,  
 Departed hath the forest-child forever  
 From the green margin of thy waters.

And now the green margin has departed too. "Loves of the Lakes" was a poetical address spoken by Judge Walker at the opening of the Buffalo Theater, June 22, 1835. Other of his compositions best entitled to remembrance are "The Hero of the Plague" and the "Self-Devoted," verses full of noble sentiment, gracefully expressed.

The poets, like the poor, are always with us—often the poor poets seem to predominate. But Buffalo can lay claim to an astonishingly large number of writers whose work, if not great, has been genuine—true sentiment, purely expressed. Probably in no other field of letters are there so many local names worthy of mention and remembrance. "Beautiful Snow" has been claimed as a Buffalo production, the work of Henry W. Faxon, for some years city editor of the *Republic*. Faxon's friends remember that he greatly admired the poem, and one of them used to relate how Faxon on one occasion produced a manuscript copy of it from his hat, and recited the lines with ever-to-be-remembered fervor; but in lack of more positive proof, the writer concludes that James W. Watson, and not the Buffalo genius, wrote the famous poem.

Buffalo's first literary journal, the *Inquirer*, fostered the muse; but more generous nursing was given by the *Western Literary Messenger*, a "family magazine of literature, science, art, morality, and general intelligence," which was begun as a semi-monthly quarto sheet in 1842. Jesse Clement was its editor from the start, and contributed some of the best things to its columns; especially good were Mr. Clement's early poems. A work which he brought out in 1851, "Noble Deeds of American Women," with an introduction by Mrs. Sigourney, was (and is) widely popular. At first J. S. Chadbourne was associated with Mr. Clement as editor of the *Messenger*, the office of publication being at No. 159 Main Street. The *Messenger* flourished for many years, developing into a weekly, and finally into an octavo monthly, under Mr. Clement's care. It was the most creditable literary periodical, all things considered, that Western New York has ever supported. Even in its earlier years it numbered among its original contributors N. P. Willis, Alfred B. Street, J. T. Headley, Mrs. Child, John S.

C. Abbott, J. K. Paulding, James T. Fields, and C. P. Cranch. It was worthily followed, in a more restricted field, by the *Home*, established in 1856 by Mrs. H. E. G. Arey, published by E. F. Beadle. This publication, "a fireside monthly companion and guide for the wife, mother, the sister and the daughter," maintained a high standard from the first. Mrs. Arey, a woman of thorough culture and strong poetic gift, now resides in Cleveland.

In 1856 Mrs. Mary A. Dennison, then editing the *Lady's Enterprise*, and also connected with the *Olive Branch*, of Boston, came to Buffalo to reside, her husband, the Rev. C. W. Dennison, having been chosen pastor of the Niagara Street Baptist Church.\* No one welcomed Mrs. Dennison more cordially than the editor of the *Home*, for which her pen was soon enlisted. In 1859 Mrs. Arey and Mrs. C. H. Gildersleeve became the editors of the *Home Monthly*, which was the *Home* enlarged. Notable among contributors were Mrs. Sigourney, Virginia F. Townsend, Prof. J. W. Barker (killed by a street-car on Niagara Street a few years ago), Mrs. Dennison, and Miss Mary A. Ripley. The poems of Mrs. Arey and Miss Ripley have been gathered into volumes.

Mention of Mrs. Gildersleeve must include one interesting reminiscence relating to local authorship, recalled by John Wallace Hutchinson in his account of that famous singing family entitled "The Story of the Hutchinsons." These singers, who were frequently in Buffalo in ante-Rebellion days, made popular the country over the song, "Mrs. Lofty and I." In his book John W. Hutchinson speaks of this song as though it were first sung by the troupe at Madison, Wis., but soon after Abby Hutchinson, who was then in Buffalo, brought it out and made it popular. Judson Hutchinson composed the melody. "The words were placed on my melodeon," writes John, "and while he stood at my side with his violin and made the tune, I accompanied him. The words of the song were written by Mrs. Gildersleeve Longstreet of Buffalo." This was in 1857. Mrs. Longstreet is remembered by many old residents as Mrs. C. H.

\* On Niagara Square. From 1881-'89 the building was known as the First Congregational Church; it is now called the People's Church.—ED.

Gildersleeve. Her husband was for some years principal of No. 10 School, and was a man of literary taste and skill as a writer. In recent years Mrs. Gildersleeve Longstreet made her home in New York City. Many readers know her through her capital War story, "Remy St. Remy, or the Boy in Blue." A few years ago she published a book entitled "Social Etiquette in New York." Many of an earlier generation, even in Buffalo, have no doubt sung that now-old song without knowing that a Buffalo woman wrote it for beautiful Abby Hutchinson to sing. The first stanza is as follows:

Mrs. Lofty keeps a carriage, so do I;  
 She has dapple grays to draw it, none have I;  
 She's no prouder with her coachman than am I,  
 With my blue-eyed, laughing baby, trundling by.  
 I hide his face, lest she should see the cherub boy and envy me.

Buffalo has had many song-writers, whose work deserves consideration in a paper specially devoted to so pleasant a subject. Was not the city made famous half a century and more ago by Ed. P. Christey's "Buffalo Gals"! During the past fifty years many a clever Buffalo pen has made life more cheerful with its songs; none more conspicuously and usefully so than that untiringly wielded by the late Everett L. Baker, teacher of music in our schools since 1850 (regularly from 1863 to 1895). He was both poet and musician. His first school song was given to School No. 10 in 1850; an uncounted number followed it. When he died one appreciative chronicler wrote: "Mr. Baker is believed to have written or composed more school songs to gladden the youthful hearts and minds than any other man." His field of authorship extended beyond this, and includes many anthems and other sacred pieces, and a graded series of music books, extensively used in the public schools of the country.

But we were speaking of dead-and-gone literary journals of Buffalo; and this is as good a place as any to mention—and they must be dismissed with mere mention—the *Earnest Christian*, begun in 1860, B. T. Roberts, A. M., editor; the *Herald of the Truth*, begun by W. T. Horner, in 1862; *Our Leisure Moments*, begun in 1870, edited by Albert C. Ives and F. S. Dellenbaugh; the *Globe*, an illustrated magazine of literary record and

criticism, begun in 1874, with W. C. Cornwell as editor and cartoonist, and A. M. Sangster, A. N. Samuels, and other local artists as contributors; *Every Saturday*, a weekly journal edited by Deshler Welch, was born in 1878, aimed high, missed the mark, and died in 1879; *Bohemia*, by H. W. Raymond and A. G. Bigelow; the *Modern Age*, an eclectic conducted by James S. Metcalfe; and the *Wyoming Literary Monthly*, afterwards called *Literature*, published by C. W. Moulton and C. A. Wenborne, shared the common fate. Still others there have been, of demise so recent that it were better not to particularize, lest fresh grief be stirred anew. Carrie F. Judd's *Triumphs of Faith*, begun in 1881, *Queries*, and *Our Record* were enterprises which found prosperity. The latter journal, published by the managers of the Home for the Friendless, was begun in 1869, Miss Gardner being its first editor. Among the contributors to *Our Record* have been Mary E. Mixer, whose writings on historical and miscellaneous subjects are of merit, and Julia F. Snow, one of the few residents of this city who has the gift of writing worthily and attractively for children. Other Buffalonians who have in recent years won success as writers for the young are Margaret E. Carr, Mrs. L. A. Bull and Dr. A. L. Benedict.

In speaking of the early literary enterprises of Buffalo several writers have been mentioned who were members of Buffalo's once famous literary coterie, the "Nameless." In this club, which was started about 1850, and flourished for a dozen or more years, were many entitled to enrollment among the authors of Buffalo: Jerome B. Stillson, James N. Johnston, Wm. Clement Bryant, Mr. and Mrs. C. H. Gildersleeve, Charles D. Marshall, Josiah Letchworth, William P. Letchworth, and other lovers and patrons of letters; Guy H. Salisbury,—a name and memory, as was said in an obituary of him, September 5, 1869, "invested with something of the charm that lingers behind the gentle 'Elia'"; Charles E. Morse, who in his best days wrote songs which read like some of Moore's Irish ballads; John Harrison Mills, of whom James N. Johnston, president of the club in 1865, wrote: "He seems equally at home in sculpture, poesy and painting. His bust of Abraham Lincoln, his poem of 'Booths,' and his twin pictures, 'A Dream of Life,' each are

masterpieces of conception and composition." Of the ladies in the Nameless were Miss Mary A. Ripley (to whose memory the Ripley memorial library at the Women's Educational and Industrial Union is a worthy monument), for a quarter of a century Buffalo's most beloved school-teacher, the author of "Exercises in Analysis and Parsing," which has had several editions, and of a volume of poems which includes that patriotic gem (of which Frank Wilkeson was the unnamed boy-soldier), "I thought the Country Needed Men"; and Amanda T. Jones, one of the most gifted of our local writers, whose published works include "Ulah, and Other Poems" (1861), "Poems" (1867), and "A Prairie Idyl and Other Poems" (1882).

William B. Wright is a name dear to many a Buffalonian. "He was the most of a man who ever lived here!" said recently, one who knew him well. Mr. Wright was a physician here for some years, and later taught languages in the State Normal School—and an ideal teacher he was, too. He died some years ago at Atlanta. In 1868 he published "Highland Rambles," following it in 1873 with "The Brook and other Poems"; not pretentious verse, only

Chance stalks of Song, for which no ploughshare ripped  
The belly of the glebe, of which the seed  
No planter measuring out his careful pace  
Sowed through the chinks of the quick-swinging palm,  
But rather random-strewn by grace of wind  
On pastures where the Fancy loved to browse.

Of David Gray as a poet, entirely adequate tribute and record will be found in the two-volume publication of his "Life and Letters," edited by J. N. Larned. The working years of Mr. Gray's life were given to editorial work on the *Courier*. He had a high ideal of newspaper work, and gave freely of his strength, of body and mind, to meet its exacting demands. Yet he found time, for he had the gift, to write as good poetry as any Buffalonian has written. Mr. James F. Gluck has published a memorial of Mr. Gray, a paper originally prepared for the Historical Society.

The Alice Cary of Buffalo is Carrie F. Judd (Mrs. Mont-

gomery) for years the devoted promulgator of the society called "Faith Cure." She has published two or three volumes of poetry, one novel, "Zaida Eversey, or Life Two-fold," and much evangelical literature. The animating principle of her life inspires all of her work ; but her verse has merit aside from its exalted moral tone. Her works have had many editions in many languages. Her first volume of poems, "Lilies from the Vale of Thought" (1878), was written between her 14th and 19th birthdays. Many another local writer of verse must be dismissed with the mere naming. A cyclopædia of Buffalo poetry should include, besides the work of those named, that of Celia Sealey ("Echoes from the Garret," 1861), Mary J. McColl ("Bide a Wee and Other Poems," 1880), Mary L. Hall ("Live Coals," 1878), Emily B. Lord, Mrs. L. N. Todrig, Harriet E. Benedict, Mrs. Emily Thatcher Bennett, Antoinette Haven, Matilda Stewart, Charlotte L. Seaver, Katherine E. Conway, Agnes Shalloe, Mrs. James F. Gluck and Julia Ditto Young. Mrs. Bennett (*née* Benton) passed her childhood here. Her literary work, which began with the writing of verses in a Buffalo school, includes many poems and essays on Masonic, natural history, juvenile, and other topics. For years she was a valued contributor to the *Independent*, the *Christian Union*, the *Masonic Review*, Sunday-school and other publications. Few, if any, local writers have deserved warmer praise than that given by Edmund Clarence Stedman to the work of Miss Annie R. Annan. "Bessie Chandler," whose verse, praised by Howells, lends charm to many a page of the *Century*, *St. Nicholas*, and other publications, is the talented wife of Mr. Leroy Parker, a well-known attorney of this city.

There have been, and still are, many writers of good verse among the men of Buffalo, as citations made in this article have already proved. Augustus Radcliffe Grote, a former Director of the Museum of Natural Sciences, contributed to the *Atlantic Monthly*, *Evolution*, and other literary and scientific publications. In 1882 at the Cheswick Press, London, was published a sumptuous little parchment-bound volume entitled "Rip Van Winkle, a Sun Myth and Other Poems," by Mr. Grote. The principal

poem uses the thread of the story of Rip Van Winkle to connect reflections on the various stages of human life as influenced by the seasons, by youth and old age. It first appeared in *Evolution* in 1877. The "Poems and Swedish Translations" by Dr. Frederick Peterson, which appeared in 1883, during his residence here, are exquisite specimens of idyllic verse. The Rev. J. Hazard Hartzell, formerly of Buffalo, in 1884 published his collected poems under the title "Wanderings on Parnassus." Thomas S. Chard published a volume of verse, including "Across the Sea," "The Seven Sleepers," and "A Legend of St. John and the Blessed Vale." The Rev. Anson G. Chester is a writer whose verse has found favor with *Scribner's Monthly*, (predecessor of the *Century Magazine*) and other desirable media. James W. Ward, author of the descriptive text for Sangster's "Niagara," perpetrated several years ago an amusing production, "The Song of Higher-water." "That it is after 'Hiawatha,' " apologizes the author, in his preface to the New-York edition (1868), "is apparent enough; as a matter of fact, just three days after, that length of time having intervened between the appearance of that charming and popular poem and the reading of this production to some of the author's friends." Mr. Ward was then residing in Cincinnati, the locality of the events relating in his poem, which narrates a thrilling episode not infrequent

In the town where swine are slaughtered.

The Rev. Patrick Cronin, editor of the *Catholic Union*, has written many sterling poems; so has Joseph O'Connor, formerly of the *Courier*, now editor of the *Enquirer*; while the names of Arthur W. Austin, Allen G. Bigelow, Walter Storrs Bigelow, H. Chandler, the Rev. Benjamin Copeland, George Hibbard, Henry R. Howland, William McIntosh, Robert Cameron Rogers, the Hon. Rowland B. Mahany and Irving Browne cannot be omitted. Mr. Browne's learning and versatility have made him the author not only of much clever verse and many delightful essays, but of erudite law-books as well. One of them, entitled "Elements of the Law of Bailments and Common Carriers," has the following wise and witty dedication:



## RANDOM NOTES ON

## TO CALIPH OMAR.

Omar, who burned (if thou didst burn)  
 The Alexandrian tomes,  
 I would erect to thee an urn  
 Beneath Sophia's domes.

Would that thy exemplary torch  
 Might bravely blaze again,  
 And many manufactories scorch  
 Of book-inditing men !

Especially I'd have thee choke  
 Law libraries in sheep,  
 With fire derived from ancient Coke,  
 And sink in ashes deep.

Destroy the sheep—don't save my own—  
 I weary to the cram,  
 The misplaced diligence I've shown—  
 But kindly spare my Lamb.

And spare, oh, spare this suppliant book  
 Against a time of need ;  
 Hide it away in humble nook  
 To serve for legal seed.

The man who writes but hundred pages  
 Where thousands went before,  
 Deserves the thanks of weary sages,  
 And Omar should adore.

It is said that this dedication so pleased Judge Bennett, Dean of the Boston Law School, that he offered, and Mr. Browne accepted, the desirable position of lecturer in that school, made vacant by the death of Charles Theodore Russell, a post which Mr. Browne's many years of service as law lecturer abundantly qualified him to fill. Mr. Browne is also librarian of the Buffalo Law Library ; it was recently recorded of him that he had "compiled, edited and written more than two hundred law books."\*

\* For further account of some local verse-makers, see "The Poets and Poetry of Buffalo," edited by Ina Russelle Warren, being Vol. VI., No. 1 of "The Magazine of Poetry," Buffalo, n. d. (1895)—Ed.

It is not possible—and if it were possible, it would not be profitable—to write of all the romancers of Buffalo. A few of the more notable will suffice. The fame of Anna Katharine Green (Mrs. Charles Rohlf) rests not alone upon her novels, but upon her poems as well. In the common acceptance of the term Miss Green—to use her maiden name, which she retains for all her literary work—is probably the most “popular” writer who has ever lived in Buffalo, not excepting Mark Twain, whose short residence and journalistic career in this city entitle him to at least remembrance in this review. She was born in Brooklyn, in a house opposite Plymouth Church. Her father, an attorney well remembered here, came to Buffalo when she was a child, the family home being on Pearl Street between Swan and Seneca. In evidence of her early literary predilection it is related that when eleven years old Miss Green and a playmate wrote a paper called “The Lily of the Valley,” the privilege of reading which was extended to their schoolmates at five cents a turn. A copy of that early production is now cherished by the playmate of former days, a well-known lady of this city. Miss Green’s first mature efforts at authorship were the poems bound in the volume called “The Defense of the Bride.” This work did not attract particular attention and the author turned her attention to fiction, selecting the kind in which plot and situation predominate, perhaps because of her love for the solution of mathematical problems. “The Leavenworth Case,” which appeared in 1878, at once found great favor both in this country and Europe. Its author had raised the sensational detective story to a literary level, and found her reward in a wide audience of cultured readers. “A Strange Disappearance” was published in 1879, and “The Sword of Damocles” in 1881. A volume of her poems, edited by Rossiter Johnson, appeared in 1882 and was well received. “X. Y. Z.” and “Hand and Ring” followed in 1883, “The Mill Mystery” in 1886, and “7 to 12” in 1887. “Risifi’s Daughter,” a dramatic poem—considered by the author her best literary work—was also published in 1887, in which year the author returned to Buffalo with her husband and children, and here her home has since been. “Behind Closed Doors” and others yet more recent, are widely familiar. Sev-

eral of her books have been translated and had many editions in various languages, "The Leavenworth Case" and "Hand and Ring" leading in popularity.

Among our other writers of fiction, past and present, should be noted Mrs. E. B. Perkins, formerly Susan Chestnutwood, whose successful novel, "Malbrook," was published by Carleton in New York and S. Low & Sons in London, in 1871. This, and her second story, "Honor Bright," published in Buffalo in 1883, have well established her reputation. "Doctor Ben, an Episode in the Life of a Fortunate Unfortunate," appeared in Osgood's "Round Robin Series" in 1882. The pseudonym of "Democritus, Jr.," is said to stand for the Rev. Orlando Witherspoon, a former pastor of St. John's Church. "Bond and Free," a tale of slave times, is by James H. W. Howard, late editor of the *State Journal* at Harrisburg, Pa. Mr. Howard passed his boyhood in this city, and was a pupil in the old Vine Street Colored School. More recent are the novels, some of them of much merit, of Mrs. Julia Ditto Young, Mrs. Ida W. Wheeler, Elbert Hubbard, Wm. T. Hornaday and Robert C. Rogers; while Marion Wilcox, Sylvia J. Eastman, George Hibbard, Louise Worthington, Katharine Hartman (*pseud. ?*), and a host of others have won success—or that substitute for it, a market—in the short-story line. Not to be overlooked is the collection of juvenile tales entitled "Legends from the Red Man's Forest," by Dorothy Tanner (Mrs. Henry E. Montgomery) of this city. Mention of Mr. J. H. W. Howard recalls the creditable work of another Afro-American, at one time resident in Buffalo, the Rev. C. W. Mossell, some-time missionary in Hayti, whose recently published volume "Toussaint L'Ouverture . . . or Hayti's Struggle," is a painstaking and valuable chronicle.

A long list of residents of this city have published books of travel. In Mr. Henry E. Perrine's charming volume, "A True Story of Some Eventful Years in Grandpa's Life," printed (not published) in 1885, we have a well-made book of over three hundred pages. Mr. Perrine had traveled much before he came to live with his uncle in Buffalo in 1840. He was admitted to the bar in 1848, but soon after set out for California by way of

Cape Horn. The story of this long voyage, of Mr. Perrine's experiences with other 49'ers in the California gold fields, and of subsequent travels and experiences, is most interestingly told. "It is largely due to the fact," says Mr. Perrine, "that both children and grandchildren have so many times said, 'Papa,' or 'grandpapa,' 'tell me a story—tell me the story about the Indians!' that the idea became developed that there was really enough of interest in those experiences to warrant placing them in print for the amusement and perhaps the benefit of others."

In 1837 there came to Buffalo an eccentric man of roaming disposition named Thomas L. Nichols. He engaged in newspaper work, writing for the *Commercial Advertiser* and the New York *Herald* and established the short-lived *Buffalonian*. Convicted of libel on H. J. Stow, he was sentenced to four months in the Erie County Jail. He served his term, spending his time in writing a "Journal in Jail," which was published in 1840. It is a curious volume of two hundred and fifty pages, containing enough libelous matter, seemingly, to have kept the author behind bars for the rest of his life. It is a rare book nowadays. Nichols seems to have led an erratic career for many years thereafter. In London in 1864 he published an ambitious work in two volumes entitled "Forty Years of American Life." It is an interesting and for the most part well-written book, now valuable for the pictures it presents of a state of things in the United States now passed away. It contains many pages of Buffalo reminiscence. Nichols traveled widely and described everything from Government institutions to mint juleps. In the closing chapter he gives the following quite adequate bit of biography:

At the beginning of 1861 I commenced the publication of a weekly newspaper in New York. One number was issued before the attack on Fort Sumter and when it was hoped and believed peace would be preserved. But the perfidious Government at Washington, while promising to evacuate that fort, was preparing an expedition for its relief. The sailing of that expedition brought war and my literary enterprise was nipped in the bud. I did not issue a second number. If I had done so it is not likely that it would have reached many readers.

Not every writer who has sojourned in Buffalo may be claimed as a Buffalo author; but it is well to record that Charles A. Dana

and H. H. Bancroft, the historian of the Pacific Coast, both lived in Buffalo in their youth.

The late Charles Linden published a pleasant "Narrative of an Excursion in Eastern Florida," of prime interest to the naturalist. "A Woman's First Impressions of Europe, being Wayside Sketches in 1863," dedicated to Mr. and Mrs. Henry W. Rogers, was written by Mrs. E. A. Forbes, for many years a teacher at the Buffalo Female Academy. A charming and highly diverting book is the "Travels of the Du Le Telle Family," by "Thankfulla"—a series of familiar letters by Mrs. John C. Lord. Mention should also be made of "Saunterings in Europe," by the Rev. Charles Wood, formerly pastor of the Central Presbyterian Church; of "My Holiday; How I Spent It," by James N. Matthews, and of Grace Carew Sheldon's European sketches, "As We Saw It in '90." A one-time Buffalonian, a very successful story-writer and special correspondent, John R. Spears, is the author, among other works of travel, of "The Gold Diggings of Cape Horn," probably the most thorough and trustworthy book in our language on that little-visited region.

The itinerancy of the Methodist Episcopal Church has sent to Buffalo many a minister who has left his print in literary paths. Foremost of this class is Bishop John F. Hurst, who for many years has been extensively occupied with literary labors, especially in the reproduction of the works of the best German authors in English translations. He has translated Hagenbach's "History of the Church in the XVIIIth and XIXth Centuries" (2 vols., 1869); Van Oosterzee's "Lectures in Defense of John's Gospel" (1869); Lange's "Romans" (1870); and Seneca's "Moral Essays." His original works include "History of Rationalism" (1865); "Martyrs to the Tract Cause" (1873); "Outlines of Biblical History" (1873); "Life and Literature in the Fatherland" (1874); "Our Theological Culture," "Bibliotheca Theologica" and "A General History of the Christian Church," upon which great work he was engaged during his Buffalo residence. While resident here he also contributed to *Harper's Magazine* a series of illustrated articles on travel and work in the Orient, since republished in book-form. Few more scholarly men than Bishop Hurst have ever resided here. His latest literary achievement is the discovery, at Geneva,

Switzerland, of the unpublished MS. journal of Capt. Wm. Pote, Jr., kept during his captivity in the French and Indian War, 1745-47. The volume, edited by Bishop Hurst, is pronounced "by far the most valuable of all recent discoveries on the period of our Colonial history to which it relates." His successor as resident Bishop in Buffalo, Dr. John H. Vincent, has probably done more, as editor and author, for Sunday-school literature, than any other living man. He is the author of a History of Greece, and author or editor of much Chautauqua literature.

Other Methodist clergymen whose books are well known are the late Rev. Dr. J. B. Wentworth, one-time Presiding Elder of the Buffalo District, whose profound "Logic of Introspection" was published in 1886; the Rev. Dr. George E. Ackerman, former pastor of St. Mark's M. E. Church, who has written "Researches in Philosophy" and "Man a Revelation of God"; and "Religious Corporations," "A Handbook for Trustees," and especially the valuable "History of Buffalo Methodism," by the late Rev. Dr. Sanford Hunt.

From first to last, our clergymen have been among the productive bookmakers. Among works of clerical authorship, not already named, the following have been learned of: "Historical Sketches and Incidents illustrative of the Establishment and Progress of Universalism in the State of New York," by the Rev. Stephen R. Smith; "Some Lessons from the Parable of the Sower," by the Rev. J. P. Egbert; "The True Man and Other Practical Sermons," by the Rev. S. S. Mitchell; "Dogma no Antidote for Doubt," by James H. Fisher; "Both Sides, or Jonathan and Absalom," by the Rev. Dr. Rufus S. Green; "Handbook of Charity Organization," by the Rev. S. Humphreys Gurteen; "Complete System of Sunday-school Instruction," by the Rev. Orlando Witherspoon; various writings by the Rev. A. T. Chester, and two works by the Rev. J. H. Langille, one on ornithology, "Our Birds in Their Haunts," the other entitled "Snail-shell Harbor, a Picture of Life on the northwest coast of Lake Michigan."

The last-named writer might well be included with local authors on natural history subjects, for he is a devoted naturalist, and during his pastorate in Buffalo was a most delightful lecturer

before the Society of Natural Sciences. That little coterie has had its share of authors, including Mr. Grote (who was as much of a social scientist as he was a naturalist and poet), Carl Linden, James W. Ward, and others already named; Prof. D. S. Kellcott (formerly of the State Normal School here, now of the Ohio State University, Columbus), and Edward P. Van Duzee of the Grosvenor Library, on entomology; Dr. Julius Pohlman, on geology and other specialties; W. H. Pitt, James Locke (Assistant-Professor at Heidelberg, translator of Menschutkin's "Analytical Chemistry"); David F. Day, on botany, and the Hon. George W. Clinton.

Judge Clinton was a diligent student of many subjects outside of his profession of the law. His early taste for natural history was never extinguished. He wrote interesting and valuable papers on "Fish and Fishing," and upon "Animals and Hunting." An English author calls him "The Isaak Walton of America." He shared in founding the Society of Natural Sciences and was its president for many years. Numerous papers and addresses emanated from his pen upon such subjects as agriculture, canals, manorial tenures, Indian traditions, etc. In addition to occasional addresses and papers, which would fill many volumes, Judge Clinton published, from 1860 to 1868, a "Digest of Decisions at Law and in Equity from the Organization of the State to 1860." At the time of its issue this was by far the best treatise of its kind, and still holds its place as a standard work. In his declining years Judge Clinton edited the valuable collection of the Governor Clinton Papers which are in the State Library at Albany.\*

Contributions to literature—even to the literature of the law—by members of the bar in Buffalo are not numerous. Perhaps the State Papers of Millard Fillmore and of Grover Cleveland as Governor and President, should be recognized, though this subjects the word "literature" to a considerable strain. A number of Buffalo attorneys, including some of the younger ones, have prepared for the meetings of the Cleveland Democracy historical and biographical sketches of merit, but an enumeration of them cannot be made here. They have been collected in two volumes. Many of the public addresses and speeches of the late

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\*See the memoir of Judge Clinton by David F. Day, pp. 203-225 of this volume.—ED.

William Dorsheimer are valuable contributions to the history of our times, notably the address delivered at Waterloo, September 3, 1879; at the celebration to commemorate the expedition under the command of Gen. Sullivan, against the Six Nations in 1779, and at the dedication of the Oriskany monument August 6, 1884. For the most part the recent writings of Buffalo lawyers have been of an inconspicuous though worthy order, like E. Corning Townsend's work on "The Statute of Distribution," John G. Milburn's "Beginnings of Society," and various addresses and papers, notably on literary subjects, by E. Carlton Sprague, Sherman S. Rogers, John C. Graves and James F. Gluck. Sheldon T. Viele has written a good biography of the Hon. Henry K. Smith, the second Recorder of the City of Buffalo, the friend of Martin Van Buren, William L. Marcy and other Democratic leaders. Judge H. K. Smith himself was a rare literary student, though he left but one published address, a funeral oration on Captains Williams and Field, heroes of Monterey. Among recent works of Buffalo lawyers are "The Law of Public Health and Safety," by Leroy Parker and Robert H. Worthington, said to be the only treatise ever published in this country on the relation of the laws to public health and safety; "A System of Medical Jurisprudence and Toxicology," by R. A. Witthaus and Tracy C. Becker, with the collaboration of August Becker, Dr. Roswell Park, F. P. Vandenberg and others; a work by James F. Gluck and August Becker on "The Law of Receivers of Corporations," one by Charles P. Norton on bills and notes; and the able editorial work of W. W. Browne on an edition of the Court of Appeals.

The writings of Le Grand Marvin will probably never bring the name of that eccentric gentleman into works on American literature, or even into the cyclopædias; but they will always remain as unique productions of a unique pen. In many a lawyer's library are treasured up the Marvin pamphlets entitled, "An Expose, etc., being a Wife's Attempt, by Aid of Her Merchants, to control (subdue?) her Husband, and the Result"; "The Result? Unmarried (if ever married!), Unlassoed," etc.; and "Le Grand Marvin Interviewed." Mr. Marvin imitated no one in his literary style, and so far as known, no one has succeeded in imitating him.



Perhaps our younger lawyers are deterred from writing, as is said (no doubt wrongly) to have been the case with one scholarly attorney who has laid aside an unfinished work on railroad law because, if published, judges may in future cite the author's own work to his detriment in important cases!

More than one citizen of Buffalo, while discharging the duties of high public office, has contributed to the literature of statecraft. Conspicuous is the Hon. E. G. Spaulding's financial history of the War entitled "History of the Legal Tender Paper Money issued during the Great Rebellion, being a Loan without Interest, and a National Currency," an octavo of three hundred and seventeen pages, published in Buffalo in 1869. Mr. Spaulding was chairman of the sub-committee on Ways and Means at the time the Act relating to the currency issue was passed. He justly wears the title of "The Father of the Greenback." Mr. Spaulding has also published pamphlets on other financial and economic themes, speeches in Congress, etc. A noteworthy printed address is entitled "One Hundred Years of Progress in the Business of Banking," delivered by Mr. Spaulding at the bank officers' and bankers' building, Exposition Grounds, Fairmount Park, Philadelphia, on the occasion of its formal opening, May 30, 1876. Here, too, should be mentioned the financial pamphlets of William C. Cornwell, "The Currency and the Banking Law of the Dominion of Canada," "Greenbacks," etc.

The citizen of Buffalo who is oftenest called upon to represent the culture and public spirit of this community is the Hon. James O. Putnam. As Government official, as State Senator, as diplomatic representative of our Government abroad, he has proved an able and efficient public servant. A published volume of his "Orations, Speeches, and Miscellanies" gives proof of the scope of his public services, of his devotion to the welfare of his country and the city of his home, and of the rare catholicity of his culture.

J. N. Larned's most conspicuous literary work is his monumental "History for Ready Reference," in five volumes. Among his other publications are "Report on the State of Trade Between the United States and the British Possessions in North America," prepared for the Secretary of the Treasury (Washing-

ton, 1871), "Talks about Labor," etc. (1876), and a history of the Buffalo Library.

In no field of authorship has Buffalo given the world better service than in the field of medicine. The names of Austin Flint, father and son, of Hamilton, White and Gay, lend an undying luster to our city's crown. Flint's "Principles and Practice of Medicine" (of which more than 50,000 copies have been sold), the younger Flint's "Physiology of Man" (5 vols.); and Frank Hastings Hamilton's "Medical Surgery and Hygiene" and "Fractures and Dislocations" (a work of 1,000 octavo pages!) are standard works of their kind. There are many books on specialties by these writers; valuable pamphlets by Dr. Charles C. F. Gay; while of Dr. James P. White's published papers, the librarian of the Buffalo Medical College has enumerated fifty-six in one list! Dr. White was also the author of Chap. VI. of Beck's "Elements of Jurisprudence," Vol. II. (11th Ed., Phila., 1860.)

Many of our surgeons and physicians are authors. Among recent publications in this field are Dr. William D. Granger's "How to Care for the Insane"; pamphlets on insanity by Dr. J. B. Andrews; published addresses by Dr. Thomas F. Rochester, Dr. F. R. Campbell's "The Relation of Meteorology to Disease," and his recent comprehensive work, "The Language of Medicine." In 1883 G. P. Putnam's Sons published "An Ethical Symposium," a series of papers concerning medical ethics and etiquette viewed from a liberal standpoint. The book contains an able chapter by Dr. H. R. Hopkins of Buffalo, entitled "Is it a Profession or a Trade?" Professional publications, more or less elaborate, have come from the pens of Drs. W. W. Potter, Elmer Starr, George E. Fell, A. R. Davidson, M. B. Mann, and others; while specialists W. C. Barrett, Lucien Howe, and F. Park Lewis have made conspicuous contributions respectively to the literature of dentistry and eye-surgery.

There still remain to note a considerable list of works in many classes. Mr. Henry Spayth stands master of a unique field of science and letters in his "American Draught Player." Originally published in 1860, it has had several editions. It is claimed

to be the first successful attempt to reduce the game of checkers to a system. A work that attracted attention at the time of its appearance in 1862 was Thomas J. Sizer's book, "The Crisis—Its Rationale," in which he considered "our National forces the proper remedy, and restoration of legitimate authority, the end and object of the War." A. R. Grote's "The New Infidelity" (1881), and Dr. J. H. Dewey's "Introduction to the Theosophy of the Christ," are in many libraries. Joseph Willsey's painstaking and useful compilation known as "Harper's Book of Facts" may not be overlooked. Willis O. Chapin's sumptuous volume, "The Masters and Masterpieces of Engraving," delights alike the art student and the bibliophile. Countless thousands of households have Dr. Ray V. Pierce's "People's Common-sense Medical Adviser. J. C. Bryant's "New Standard Counting-house Book-Keeping," an octavo of 300 pages, and his "Business Man's Commercial Law and Business Forms Combined" are standard contributions to the text-books of business. The Rev. Solomon Kohn, one-time pastor of the Jewish Congregation Beth El, is an author on subjects connected with oriental literature. The Rev. C. L. Hutchins, assistant rector of St. Paul's in 1870, compiled a Church Hymnal. The Rev. Dr. Sheldon edited a valuable work entitled "The Three Reformations." The Rev. Charles R. Edwards is the author, among other works, of an elaborate and highly original defense of Christianity, entitled "Chris-to-lution."

The following enumeration must close our list, which further inquiry would no doubt lengthen: H. R. Howland, "Primitive Arts and Modes of Life" and other archæological papers; Henry Klein, "Rudiments of German Etymology"; E. C. Pomeroy, "Introductory Reading-book" and "Spelling-book"; G. H. Thornton, "The Modern Stenographer"; W. H. Slocum, "Autograph-list of Word-signs and Phrases"; A. G. Bigelow, "Hints on Preparing Copy and Proof-reading"; Alexander F. Oakey, "The Art of Life and the Life of Art," being No. 408 of the "Franklin Square Library"; J. Berry, "A Parsing-book"; Ed. H. Mulligan, "Abridged Infantry Tactics"; Dr. F. Bradnack, "Dr. Case's Handbill," a satire. There is good humor in "An Angola Incident—the Tale of a Handkerchief in

Very Blank Verse," by Wm. W. Kent. "The Bumont Tragedy, by a Buffalonian," must stand without any further definition. Charles H. Harris ("Oof T. Goof") wrote a "History of the Venango Oil Regions" in 1866. Elmore H. Walker followed it in 1868 with "The Pennsylvania Coal Fields, and their Connection with and Relation to Buffalo." Eben P. Dorr wrote of "The First Monitor and its Inventor"; W. H. Beard, the famous artist, once a Buffalo resident, has enriched both art and literature with his incomparable book, "Humor in Animals"; J. S. Buell is the author of "The Cider-Makers' Manual," Deshler Welch of "The Bachelor and the Chafing Dish," and Mark S. Hubbell of a "History of the Buffalo Race Course." James W. Greene wrote "Free Niagara," a compact historical sketch. "Niagara in London," written and beautifully printed in Buffalo, treats of Niagara Falls in historical and descriptive fashion. It was sold at the Cyclorama of Niagara in London; and copies of it were sumptuously bound and inscribed for presentation to Queen Victoria and the Prince of Wales—a unique honor for Buffalo. There even abides in Buffalo a gentleman who writes dime novels; but since he has never associated his own name with this branch of his work—using so many *noms de plume* that he has forgotten most of them—it is but fair to leave him to his lucrative line of letters unidentified, like a later Junius.



## APPENDIX.

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### BIOGRAPHICAL NOTES.

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#### I. ARTHUR CLEVELAND COXE.

It is fitting that the frontispiece of this volume should be a portrait of the late Protestant Episcopal Bishop of Western New York. For many years he was the most distinguished active member of this Society, as indeed he was, by many standards, the most eminent citizen of Buffalo. His membership in the Society dates nearly from its establishment. Until advancing years interposed obstacles, he took a lively interest in its work, shared in the club meetings and on at least one occasion entertained the Society with an historical paper. This was during the War, his subject being the relations of North and South. Unfortunately, the paper is not filed with the Society.

Arthur Cleveland Coxe was the son of the Rev. Samuel Hanson Cox, the son adopting an older form of the family name than that borne by the father. He was born in Mendham, N. J., May 10, 1818. His parents moved in 1820 to New York, where he received his early education and training. His father was a distinguished preacher of the Presbyterian faith, and a descendant of a missionary of Colonial days of the Society for the Propagation of the Gospel. Under the influence of maternal relations, the future bishop became an adherent of the Protestant Episcopal Church. He graduated from the University of New York in the class of 1838, then attended the General Theological Seminary of the Episcopal Church, where he completed his studies for holy orders in 1841. He was ordained deacon, June 27, 1841, and priest Sept. 25, 1842. Shortly after ordination to the diaconate, he took charge of St. Ann's Church, Morrisania, N. Y.; from 1842 to 1854 he was rector of St. John's Church, Hartford, Conn. In the last-named year he became rector of Grace Church, Baltimore, Md.; in '63, of Calvary Church, New York City; soon thereafter he was made Assistant Bishop of Western New York. He was consecrated in Trinity Church, Geneva, N. Y., Jan. 4, 1865, and on the death of Bishop DeLancey, April 5, 1865, he succeeded as the second Bishop of Western New York. He died July 20, 1896, and is buried at Geneva, N. Y.

In 1868 he gave assent to the formation of a new diocese, and Central New York was committed to other hands. When he began his episcopal administration, the Diocese of Western New York covered a territory twice the size of the present one, taking in twenty-nine counties of the State. There are fifteen in the territory now covered by the episcopal authority of the Bishop of Western New York. Prior to 1838 the whole of New York State constituted but a single diocese. At the date named the Diocese of Western New York, comprising also the present Diocese of Central New York, was set off. Since then there have been other divisions, so that there are now five dioceses in the State, New York, Long Island, Albany, Central New York and Western New York.

The growth of the Episcopal Church in Western New York during the years of Bishop Coxe's episcopate has more than kept pace with the growth in population. The present diocese is larger in the number of adherents to the Episcopal Church, is wealthier in the amount of property held by its parishes, and is more influential in every way than the diocese over which Bishop Coxe was called to take charge, which was twice the size of the present diocese. In 1868 there were sixty-nine resident clergy and seventy-six parishes. In 1890 there were reported 123 resident clergy and 133 parishes. In 1868 the families in the diocese connected with the church numbered 6,296, while in 1890 they numbered 16,699. The value in church property in 1868 was about \$1,000,000. In 1890 it was placed at \$2,353,051. Making allowance for the three years previous to 1868 and the increase during 1890, it is safe to say that the value of the property now is nearly three times as much as it was thirty years ago when Bishop Coxe came to the charge.

No effort is made here to speak adequately of his work in the ministry or in the councils of his church. This is a matter of abundant record elsewhere. Something has been said in this volume (pp. 355-358) of Bishop Coxe as an author; and much has been said, in many and conspicuous ways, of the acts and the qualities which made him a leader of religious thought. A very great part of his work, especially in later years, was specifically directed to the furtherance of Christian unity. A memorable event in our local annals was the celebration, Jan. 3, 1890, of the 25th anniversary of his consecration. A memorial volume is now, it is understood, in preparation, in which the full story of his long and devoted life will be fitly told.

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## II. ALBERT BIGELOW.

Recognition should be made in these Publications of the service rendered to the Buffalo Historical Society by the Rev. Albert Bigelow. He was Corresponding Secretary, Librarian and Treasurer for the Society from March 11, 1879, to 1881, editor of Vols. I. and II. of its Publications, and compiled with

much care one of the principal papers contained in this volume. His labors in behalf of the Society were conscientious and valuable, and are held in grateful remembrance.

Albert Bigelow was born in South LeRoy, Genesee Co., N. Y., Oct. 11, 1827, and came to Buffalo with his parents, Samuel A. and Maria M. Bigelow, in the fall of 1830. The family at first lived on Pearl Street between Seneca Street and the Terrace until driven out by the "great fire" of 1832. In 1837 they moved to a brick house which Samuel A. Bigelow had built on the west side of Niagara Street, second door south of Georgia—the first brick dwelling-house between Main Street and Black Rock. The house is still standing.

His earliest proclivities were musical. At 10 he sang alto in the "Old First," and at 18 was leader of the choir. Music continued to be one of the delights of his life. He taught music in the early 40's at the Buffalo Orphan Asylum, of which institution he was for a time secretary. He studied law; but deciding upon the ministry as a life-work, entered Yale College in '48, graduating therefrom in '52. In his senior year he was one of the editors of the *Yale Literary Magazine*, one of his associates on the board being Daniel C. Gilman, now president of the Johns Hopkins University. Returning to Buffalo in 1853, he married Maria, daughter of Lucius Storrs, and in September of that year was licensed to preach, his first charge being at North Bergen, N. Y., where he was ordained in 1855. During succeeding years he held pastorates at Brooklyn, Homer, N. Y., Jackson, Mich., and Silver Creek, N. Y. In December, '69, he returned to Buffalo, having received the appointment of District Secretary for Western New York of the Seamen's Friend Society. This post he resigned after two years of effective work. The following year he wrote an account of the life-work of Asher Wright, for many years the faithful missionary to the Seneca Indians, his data being gathered from Mr. Wright's widow, then living on the Cattaraugus Reservation.

For some years following 1871, Mr. Bigelow supplied pulpits in Buffalo and neighboring towns and gave much of his time to painting portraits. Several of these—portraits of Samuel Wilkeson, Lucius Storrs, Juba Storrs and Samuel A. Bigelow—are now owned by the Buffalo Historical Society. He also painted one of James Fenimore Cooper for the novelist's son-in-law, Frederick Phinney, at one time a resident of Buffalo.

As an officer of the Historical Society he did much to promote its practical work. With the collections, books, pictures, relics, he brought order out of chaos and made useful material available to inquiring students as it had not been before. He wrote many papers on subjects of local historical importance; always painstaking, untiring in his quest for accurate data. He had the essential gift of taking infinite pains. How well he exercised it is evidenced in the principal work which he did for the Society, the editing of the two volumes of Publications above referred to.

Returning again to the pulpit, he continued to preach for some years, his last resident charge being the Congregational Church at North Evans, N. Y.



He removed again to Buffalo in 1891, an invalid with the malady which finally proved fatal. He died June 27, 1892.

These notes are in no sense an adequate memoir; the aim being merely to put on record, in these Publications, albeit with necessary brevity, some acknowledgment of the services rendered to the Society by one who served it with fruitful fidelity.

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## DOCUMENTS AND MISCELLANY.

## I. THE FIRST BUFFALO BOOK.

On page 340 of this volume allusion is made to the "Public Speeches" by Judge Erastus Granger and Red Jacket, as probably the first book published in Buffalo. A facsimile reproduction of one of the two copies known to exist, follows. Its reproduction here may be the means of discovering other copies, or, if such there be, of a yet earlier Buffalo imprint. One of the copies referred to, is owned by the Buffalo Historical Society; the other by Col. James N. Granger, Jr., of Buffalo, a grandson of Erastus Granger, who came to Buffalo in 1804, the accredited representative of the Government in all political matters. In an admirable sketch of the Granger family in Buffalo,\* Col. Granger has related how Judge Granger reached Buffalo Creek, traveling on horseback, on the 30th of March, 1804, to find it a village of sixteen huts, its streets filled with stumps and its inhabitants the usual class found in a frontier town. It was not even a postoffice, but as part of the agreement he had made with the Government was that a post-office should be located there, he was soon (September 3, 1804), commissioned "Postmaster at Buffalo Creek." He resigned this office May 6, 1818. On December 9, 1803, before leaving Washington, he was confirmed by the United States Senate as Surveyor of the Port of Buffalo Creek, and on December 20, 1805, confirmed as Collector of the Port. These last two offices he resigned March 17, 1812. The duties of these three offices he performed by deputy. "During the War of 1812, the post-office at Buffalo was the most important in the newer West. A line of expresses had been established by the Government between Washington and Buffalo and dispatches were sent forward on horseback at the swift speed of ten miles an hour. All communications to the commanding generals in the West came to Buffalo, and orders for Gen. Harrison at Sandusky, to Commodore Perry on the lake and to the officer on the Niagara River came to the office here and were forwarded by the postmaster by the most expeditious manner possible."

In 1807 Mr. Granger was appointed one of the judges of the County of Genesee, then comprising all the territory between the Genesee River and Lake Erie, and when the western part was set off, in 1808, as Niagara County, he was appointed judge of that new county. He presided at the first term of court ever held in Buffalo (June, 1808), and continued on the bench until 1817. In 1816 and 1817 he was Supervisor of Buffalo, then the highest town office. He was one of the founders of St. Paul's Episcopal Church and its first senior warden.

\* *The Illustrated Buffalo Express*, Oct. 25, 1891.

It was as Indian Agent, however, that his principal work was done. "The half dozen years preceding the War of 1812," writes Col. Granger, "were full of alarms and suspicions of danger. Judge Granger's dispatches from Washington urged the utmost diligence on his part. British agents were constantly crossing from Canada seeking to stir up the Six Nations and form treaties with them, enlisting their aid when war should come. Council after council was held at Buffalo, at which the subtle yet eloquent speeches of Red Jacket, Cornplanter, Farmer's Brother and other silver-tongued orators were heard. News of the declaration of war reached Buffalo on the 27th of June, 1812, and the question of what the Indians would do was not settled. Judge Granger called a final council at Buffalo, and the chieftains met their agent on July 6, 1812." The Senecas, the Onondagas, the Cayugas, the Tuscaroras, and the Oneidas were present; only the Mohawks, who at the close of the Revolution had fled to Canada, were absent. Red Jacket made the opening speech, after which Judge Granger delivered his messages of friendship. Then, Indian fashion, the Council adjourned, that an answer might be made without unseemly haste. On re-assembling, July 8th, Red Jacket replied to Judge Granger's speech of July 6th, with his usual masterly eloquence. He reviewed the various treaties which the Government had made with the Six Nations, and did not hesitate to point out the transgression of the whites. "Finally he brought forward a large belt, and asked the agent to look at it and observe that it was the same presented to them by Gen. Washington. As the Indians had no writings, when a treaty was made belts were exchanged, and retained till the treaty was repealed; the terms of the treaty were committed to memory. So trained had the Senecas become in memorizing what they heard (it is said), that not only could they years afterwards give a treaty complete, but it was their custom to listen all day in council to the long speeches made and, adjourning the hearing for a few days, return to their villages and there repeat verbatim all the orations, and learn the opinions of their neighbors as to what should be said in answer."

"The importance of this treaty," justly observes Col. Granger, "can hardly be overestimated. It closed the door to all danger of the Six Nations becoming the allies of the British, and saved the whole frontier, even then sparsely settled, from the horrors of Indian warfare. Had these leaders of the Indians taken up the hatchet, hardly a tribe but would have followed suit, and the worst results would have been forthcoming. As it was, the Nations remained neutral until, by good fortune, some of the Canadian Indians crossed the Niagara and invaded the Senecas' country, when at once the Nations sprang to arms and voluntarily joined the Americans."

The speeches in full follow, in our facsimile reproduction, which not only presents anew the record of this important event, but helps to preserve from total disappearance, the image if not the actual pages of "The First Buffalo Book."—ED.

PUBLIC  
SPEECHES,

DELIVERED

*At the Village of Buffalo, on the 6th and 8th days  
of July, 1812,*

BY

Hon. ERASTUS GRANGER,

INDIAN AGENT,

AND

RED JACKET,

One of the Principal CHIEFS and SPEAKERS  
of the SENACA NATION,

RESPECTING THE PART THE SIX NATIONS WOULD  
TAKE IN THE PRESENT

War

AGAINST GREAT BRITAIN.



BUFFALO :

Printed and sold by S H & H A. SALISBURY  
—sold also at the Canandaigua and Geneva  
Bookstores.

1812.

## SPEECHES.

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[This Council was convened at the request of the Hon E. Granger, Esq. Indian Agent. The Sachems, Chiefs, and Warriors of the Six Nations of Indians, residing in the United States, were present.]

*Monday, July 6, 1812.*

**RED JACKET,**

*Addressing himself to the Agent, spoke as follows.*

**BROTHER,**

**W**E are glad of having an opportunity once more of meeting you in council. We thank the Great Spirit that has again brought us together. This is a full meeting. All our head men are present. Every village is represented in this council. We are pleased to find Mr. Parrish, our interpreter, is present. He has attended all our councils since

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the last war, and is well acquainted with all the treaties we have made with the United States.

The voice of war has reached our ears, and made our minds gloomy. We now wish you to communicate to us every thing which your government has charged you to tell us concerning this war. We shall listen with attention to what you have to say.

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**MR. GRANGER'S SPEECH.**

*BROTHERS, of the SIX NATIONS.*

**I** AM happy to behold so many of you assembled together at this time. I observe that the chiefs of the Seneca, Onondaga, Cayuga, and Tuscarora nations, and some of the Delawares, are present. The Mohawks, who live in Canada, are not

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represented, and the Oneidas, living at a distance could not attend

*Brothers*—You will now listen to what I say :—

At the close of the revolutionary war the U. States held a treaty with the Six Nations at Fort Stanwix. They restored to you the country of land which they had conquered from you and the British, and set you down once more on your old seats. Several treaties have since been made with you ; but that which particularly binds us together, was made at Canandaigua about sixteen years since.

The chain of friendship then formed, has been kept bright until this time.

In this great length of time nothing material has happened to disturb the peace and harmony subsisting between us. Any momentary interruptions of peace which have ta-

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ken place, have been happily settled without injury to either party. Our friendship has remained unbroken.

*Brothers*—The prosperity & happiness of the Six Nations have always been objects which the United States have had in view.

You have enjoyed with us all the blessings which the country afforded, consistent with your mode and habits of living. We have grown up together on this great Island. The United States are strong and powerful ; you are few in numbers and weak ; but as our friends, we consider you, and your women and children, under our protection.

*Brothers*—You have heretofore been told that the conduct of Great Britain, towards us, might eventually lead to war. That event has at length taken place. War now exists between the United States and the British nation. The injuries we



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have received from the British, have, at length, forced us into a war.

I will now proceed to state to you the reasons why we have been compelled to take up arms.

For a number of years past, the British and French, who live on the other side of the great waters, have been at war with each other, shedding each other's blood. These nations wished us to take a part in their war. France wanted us to fight against Great Britain. Great Britain wanted us to join against France..... But the United States did not wish to take any part in their quarrels..... Our object was to live in peace, and trade with both nations. Notwithstanding our endeavors to maintain friendship with them, both France and Great Britain have broken their treaties with us. They have taken our vessels and property, and refused to restore them, or make compen-

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sation for the losses we sustained.

But the British have done us the greatest injury. They have taken out of our vessels at least six thousand of our own people, put them on board their ships of war, and compelled them to fight their battles..... In this situation, our friends and connexions are confined, obliged to fight for the British.

*Brothers*—If you consider the situation in which we are placed, you cannot blame us for going to war. I will ask you a question. Suppose that the Mohawk Nation, who live in Canada, were at war with a nation of Indians at the westward. Both those nations being your friends, you were determined to take no part in their disputes, but to be at peace with both—to visit them, and trade with them as usual. In consequence of this determination, you should send messengers with speeches to inform

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them of the system you had adopted. But the Mohawks not satisfied in seeing you in prosperity, enjoying the blessings of peace, visiting and trading with their enemy—determine to make you feel the evils of war, unless you agree to give up all intercourse with those they are at war with. This you cannot consent to: you want the privilege of selling your furs and skins where you can find the best market. The Mohawks still continue to flatter you—say they are your friends—put on smiling faces and speak good words. But in the mean time, while professing friendship towards you, they fall upon your hunting and trading parties, as they travel back and forth—strip them of their property—leave them naked in the world, and refuse to make satisfaction. Not only this, but they come near your villages, and there murder your people—others they take, when

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found from home, bind them fast and compel them to go and fight their battles.

*Brothers*—Could you for a moment submit to such treatment..... Would you not, all as one, rise from your seats, and let the enemy feel your vengeance? If you are warriors, if you are brave men, you certainly would. What I have stated is exactly our case. The British have done us all these injuries, and still continue to do us wrong without a cause. The United States have risen from their seats—they have raised their strong arm, and will cause it to be felt.

*Brothers*—I feel it my duty, at this present time, to point out to you the straight path in which you ought to walk. You well recollect the advice given you, by the people of the United States, at the commencement of the revolutionary war against Great

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**Britain.** You were then requested to stay at home—to sit upon your seats at your own council fires, and to take no part in the war.

It would have been happy for you had you followed this good advice. But the presents and fair speeches of the British, poisoned your minds. You took up the hatchet against us, and become our enemies. At the close of the war with Britain, (the event you well know), the U. States had it in their power to have cut you off as a people, but they took pity on you, and let your return to your former seats.

Your great father, the President of the Seventeen Fires, now gives his Red Children the same advice that was given you at the beginning of the last war: that is—*That you take no part in the quarrels of the white people.* He stands in no need of your assistance. His warriors are numer-

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ous, like the sand on the shores of the great lakes, which cannot be counted. He is able to fight his own battles, and requests you to stay at home, cultivate your fields and take care of your property. If you have any regard for your women and children—If you have any respect for the country in whose soil repose the bones of your fathers—you will listen to his advice, and keep bright the chain of friendship between us.

You have been invited to join the British in this war. Reflect for a moment on the consequence of complying with their request. You will lose your property in the U. States. We shall soon take possession of Canada. They will have no land to sit you down upon. You will have nothing to expect from our mercy..... You will deservedly, as a people, be cut off from the face of the earth.

The late delegation which you sent

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to Canada, was told, that they ought not to put any confidence in the United States—that, if you did, we should deceive you—that the United States kept no promises made to Indians.

*Brothers*—I now ask, in what have the United States deceived you?..... Have they not punctually paid your annuities as they became due? Have not the Seneca's received annually the interest of their money in the public funds? Has not the state of New-York honestly fulfilled her engagements with the Oneida's, Onondaga's, and Cayuga's? Have not the Tuscarora's been assisted in the sale of their property in North Carolina, and in obtaining a pleasant seat, purchased of the Holland land company? I again ask, have not the U. States observed good faith towards you? Have they deceived you in any one thing? I answer, they have not.

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Knowing, as you do, that we are your friends. Will you act like children and suffer yourselves to be imposed upon at this time by our enemies?

*Brothers*—It was our wish that the Six Nations should all be agreed as one man, but the Mohawks and some few others, living on the British side, have been so foolish as to declare in favor of war. The good advice you lately gave them, has not been attended to. They are now at Newark in arms against the United States. I am sorry they have not listened to good counsel. You however have done your duty, and you are not to blame for their folly. They will soon find they have done wrong, and must suffer the consequence.

*Brothers*—continue to listen.

You have been frequently told, that in case we went to war, we did not want your assistance. The



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same thing has this day been repeated. But I find some of your young men are restless and uneasy. They wish to be with our warriors, and I am sensible the Chiefs have not power to control them. As I observed before, we want not their aid, but we believe it better for them to be our friends than our enemies.

If they will not be contented to stay at home, but must see something of a war; perhaps 150, or 200 will be permitted to stand by the side of our warriors, and receive the same pay and provisions which our soldiers receive.

If they should be permitted to join our troops, they must conform to our regulations. Your mode of carrying on a war is different from ours. We never attack, and make war upon women and children, nor on those who are peaceably inclined, and have nothing to defend them-

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selves-with. Such conduct we consider as cowardly, and not becoming a warrior

*Brothers*—If you have not sufficient time this evening to deliberate on what I have said, I will meet you to-morrow, or next day and receive your answer.

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**RED JACKET'S ANSWER.**

TO

**MR. GRANGER'S SPEECH.**

*Wednesday, July 8, 1812.*

**BROTHER,**

**W**E are now prepared to give an answer to the speech you delivered to us in council the other day. We are happy to find so many of the *white* people present. We are not accustomed to transact important bu-

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sinness in the DARK !....we are willing that *the light* should shine upon whatever we do. When we speak, we do it with sincerity, and in a manner that cannot be misunderstood.

You have been appointed by the United States an Agent for the Six Nations. We have been requested to make you acquainted with the sentiments of those nations we represent. None of the Mohawks, Oneidas, or Cayugas. it is well known, are present. The number of treaties that has passed between the Six Nations and the United States, appears to be fresh in your memory. We shall only mention to you some things that were agreed upon in the treaty made at Canandaigua.

We were a long time in forming that treaty. but we at length made up our minds and spoke freely. Mr. PICKERING, who was then agent for the United States, declared to us that

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no breach should ever be made in that treaty. We replied to him, If it should ever be broken, you will be the first to do it. We are weak..... You are strong. You are a great people. You can, if you are so disposed, place yourselves under it and overturn it—or, by getting upon it, you can crush it with your weight ! Mr. PICKERING again declared, that this treaty would ever remain firm and unshaken, that it would be as durable as the largest rock to be found in our country.

This treaty was afterwards shown to Gen. WASHINGTON. He said that he was satisfied and pleased with what the agent had done. He told us that no treaty could be formed that would be more binding. He then presented us with a chain which he assured us, would never rust, but always remain bright. Upon this belt of wampum, (*holding up a belt of*

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*wampum, curiously wrought*) he placed a silver seal—[upon which an eagle was engraved, representing the United States.] This belt we always have and always wish to look upon as sacred.

In the treaty, it was agreed that the Six Nations should receive a small annuity, to show the intention of the United States to continue friendly with them. This has been complied with. It was also agreed that, if any injury or damage should be done on either side, satisfaction should be made to the party injured. We were a long time in conference before we could make up our minds upon one article of the treaty—What punishment should be inflicted for the crime of murder? Mr. PICKERING said it should be *hanging*. We told him that would never do : that if a white man killed an Indian, the Indians would not be permitted to hang

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the white man.....the sacrifice would be considered too great for killing an Indian ! We at length agreed, that conciliatory measures should be resorted to, such as would give satisfaction to all parties.

In cases of theft, as in stealing horses, cattle, &c. it was agreed that restitution should be made. In this article, the whites have transgressed twice, where the Indians have once. ....As often as you will mention one instance in which we have wronged you, we will tell you of two in which you have defrauded us !

I have related these articles of the treaty to show you that it still remains clear in our recollection, and we now declare to you, in presence of all here assembled, that we will continue to hold fast the chain which connects us together. Some who first took hold of it, are gone ! but others will supply their place.

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We regret, extremely, that any disturbance should have taken place among the white people. Mischief has commenced. We are now told that war has been declared against Great Britain...the reasons for it are unknown to us. The Six Nations are placed in an unpleasant situation. A part of them are in Canada, and the remainder in the United States.

Whilst we were endeavoring to persuade those who live in Canada to remain peaceable and quiet, the noise of war suddenly sounded in our ears. We were told that all communication, between us and them would be prevented. We have since heard that they have taken up arms. We are very sorry to hear of this. They are our brothers and relations, and we do not wish that their blood should be spilt, when there is so little occasion for it. We hope that the passage is not so closely stopped,

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but that a small door may still be open by which we may again have an opportunity of seeing our brothers, and of convincing them to take no part in a war in which they have nothing to gain.

We know the feelings of the greater portion of them. We therefore believe, that if we have another opportunity, we can persuade them to have nothing to do with this war.—Our minds are fully made up on this subject, and we repeat, that it is our wish to see them once more, and to give them our advice about the path they ought to travel.

You (Mr. Parrish) are going to the eastward, you will visit the Oneidas and Cayugas—Relate to them faithfully what has taken place in this council; tell them all we have said, and request that a deputation of their chiefs may be sent to attend our council here. We wish that you would return with them.



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[He then brought forward the belt which he had before held up in his hand, and requested Mr. Granger, and the others present, to look at it and observe, whether it was not the one that had been presented to the Six Nations by Gen. Washington.

Red Jacket then held up another belt, much larger, of different colors, which appeared to be very ancient. He continued.]

*Brother*—I will now state to you the meaning of this belt. A long time ago the Six Nations had formed an union. They had no means of writing their treaties on paper, and of preserving them in the manner the white people do. We therefore made this belt, which shows, that the Six Nations have bound themselves firmly together; that it is their determination to remain united; that they will never do any thing, contrary to the interests of

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the whole ; but that they will always act towards each other like brothers.

Whenever for the future, you see a small number of our people meeting together to consult about any matter of trifling account, we desire that you would pay no attention to it. It may give you uneasiness, when we have no intention to injure you. This happened but a few days ago : It seems that a white man and two or three Indians, living on the same creek, had a small conversation, which the mischievous talked about until the whole country was in an uproar, and many families left their country and homes in consequence !

The council held some time since at Batavia, was unauthorized by us, and we now declare to you, that none have a right to hold council any where except at this place, around the great council fire of the Six Nations.

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We hope that you will not accept of any of our warriors, unless they are permitted by our great council to offer themselves to you. And we should be sorry indeed, if any of the whites should entice our young warriors to take up arms. We mention these things to show you that we wish to guard against every thing that may interrupt our good understanding.

*Brother*—We hope that what has been said will be generally known to the white people. Let every one recollect and give a faithful account of it. We wish them to know that we are peaceably disposed towards the United States, and that we are determined to keep bright the chain of friendship that we formed with them at Canandaigua.

*Brother*—We have one thing more to which we would wish to call your attention. We present you the papers. (handing to the agent a small

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bundle of papers), which secure to us our annuities from the U. States. We would be glad to know if this war would affect our interests in that quarter. We also desire that you would inform us, whether the monies we have deposited in the [late] bank of the United States, will be less secure, than if this war had not taken place.

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*Reply of the Agent.*

**M**R. Granger, after thanking them for their general and punctual attendance, replied as follows:—

*Brothers*—You have this day brought forward the large white belt, given you at Canandaigua. Your speaker has explained the leading particulars of the treaty made at that time. I am much pleased to find your minds so deeply impressed with

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them. I now repeat to you that the United States will, on their part, hold fast to the treaty ; they wish you to do the same. Should it be broken on your part, the United States will no longer consider themselves bound by it.

*Brothers*—It appears that you are still desirous of sending to Grand River to endeavor to prevail on your brethren, in that quarter to remain at peace. An undertaking of this kind will be of little use. They will only fill your heads with idle talk, and poison your minds against the U. States. Perhaps after crossing Niagara river, you will not be permitted to go any further. Should you, however, insist upon it, permission will be granted to four or five of your chiefs to go over, with such instructions as you shall think proper to give them.

But should your young men cross

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over and join our enemies, they must never expect to be allowed to set their feet on our shores again as friends. Rest assured they will be severely punished for it.

With respect to the property you have placed in the hands of the United States you have nothing to fear, it will be fully as secure as if this war had not happened. Your annuities will be paid you as formerly, and your bank stock be as productive as usual.

I now return you my thanks for the good attendance you have given at this council. I feel pleased that you have again come forward and renewed the covenant of friendship, that you have once more declared your steady attachment to the United States.

Your friend, Mr. Parrish, will soon go to the eastward. where he will see such of your brethren as

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were not present at this council. In a short time he will return, and remain here, if he should be wanted, through the summer.

[In consequence of the permission of the Agent, several of the chiefs repaired to Lewiston for the purpose of crossing. Application was made to General Brock, (who has the command of the troops in the Upper Province) that they might be suffered to land on the Canada shore. After two days General Brock sent them word that two of their chiefs would be permitted to come over and converse for a few minutes with such of the chiefs, belonging to Canada, as would be authorized to meet them. They accordingly went over, and after a few minutes conversation with some of the Canadian chiefs, without effecting their object, they were ordered to return.]

## THE INDIAN SHOW OF STORRS &amp; CO.

EXTRACT FROM THE MSS. OF THE REV. ALBERT BIGELOW.

[See page 123.]

In 1818—early—Juba Storrs & Co. entered into a speculation, joining with some others, among them Hale & Brigham of Canandaigua. This enterprise was nothing less than an ante-Barnum project: They became proprietors of a show. A company of fine-looking Indians were accoutred and sent to Europe for exhibition, with hope of “turning a penny” for the benefit of the operators. Among them have been named to me Tommy Jimmy, Steep Rock, Little Bear, Red Squirrel and Two Guns.

They were put in charge of Carlton Fox—already known as a skillful hand in managing the wild men—and Brigham of the Canandaigua firm of Hale & Brigham. But Brigham as financial manager, and Fox as showman, had their hands more than full in that affair.

The Indians were a splendid set of fellows, and they knew it, and were wonderfully set up by their knowledge and the notice they attracted and attention they received. This was very great. They were novelties, shown off in their native costumes, with brilliant feathers, and bright-hued garments, and wild ways—and John Bull was wonderfully taken by them.

Yet, all the more on this account Fox was often at his wits' end to keep them anywhere within bounds. As an instance of this, I give the following: At Liverpool, Fox had told Little Bear on one occasion to put on his overcoat, covering his “regimentals,” and go *incog.* to see the animals at a zoölogical exhibition, expressly telling him not to let Tommy Jimmy know about it, as he could not then trust him, he having begun to be affected by an overdose of fire-water; adding that he (Fox) would take them next night to see the show. But the temptation was too great for Little Bear, and he “let on” to Tommy as to his distinguished privilege and expected fun; whereat T. J. went into a great rage and made his appearance before Fox and Brigham, in Fox's room, in a threatening state of jealous wrath and—whiskey-ness, with a knife in his hand. Brigham went out and left Fox alone with the savage. But Fox was equal to the occasion. His eloquence prevailed, and Tommy Jimmy turned to go; then the evil spirit returned and he whirled and came back before reaching the door, flourishing his knife and declaring himself bound to kill the offender. Fox kept him off with a chair till finally Tommy decided to leave, giving vent to his wrath, however, by sticking his knife with a terrible blow, not into Fox, but into the door—and leaving it there as a warning.

The affair spread at once through the whole company, Tommy trying to make them feel that they had been slighted and badly treated. A council



was called, and Little Bear told his story, explaining the matter. Tommy was worsted in the war of words and explanations, and matters were amicably adjusted, Tommy concluding with the short, sensible, if not penitent remark, "I think whiskey did it."

A reminiscence of this expedition, savoring of the romantic, should here be recorded, called up by the fact that Orlando Allen, Esq., has in his residence a picture of these Indians in their exhibition costume, painted by an English lady, Mrs. Nevins.

This lady fell in love with Steep Rock, who was a specially fine-looking man. She followed and persecuted him in the infatuation of her attachment; and to such an extent did this go that the return of the troop, after it had been determined upon, was finally hastened, and the time of their departure carefully concealed from the Indians themselves till it had arrived, and it became necessary to get Steep Rock drunk to bring him on board the vessel. Then, when the troop had reached home again, the lady, who was a beautiful person, painted a miniature of herself and sent it to Steep Rock, with several guineas in money. One day Steep Rock came in to see Mrs. George Burt, and when she asked him about the lady, he with great emotion drew the miniature from his bosom and showed it to her.

I have said that Brigham as financial agent had his hands full also on this exhibition. In fact, matters went so adversely on account of great expenses, that notwithstanding the great success of the exhibition as a show, Brigham fell far behind in money matters, and being in debt and in danger of imprisonment on account of it, the firm sent out their clerk, Jacob A. Barker, to take his place, and he came home.

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#### RECORDS OF THE "BOARD OF TRADE" REGIMENT.

In the rooms of the Buffalo Historical Society there is preserved with much care a great volume. In size and thickness it rivals the largest and heaviest ledgers. It rests on a desk made especially for it, and an embroidered plush covering protects from dust or careless and unappreciative hands, the handsome morocco-bound lids. Between those lids is a whole treasure-house of local history—some four hundred pages of manuscript records, relating to Buffalo's famous "Board of Trade" Regiment, the 100th New York State Volunteers. Besides the manuscripts, which are of great variety, the volume contains some seventy photographic and other portraits, maps, plans, views of battles, forts and prisons, newspaper reports, souvenirs of regimental reunions—in short, it holds in great abundance the original materials for a history of the 100th Regiment. This volume was compiled and presented to the Society by Mr. George S. Hazard, a devoted member of the Society, and President of the Buffalo Board of Trade at the time the Regiment was organized. Some-

thing of the history of that Regiment, and something of the contents of the volume itself, may be learned from Mr. Hazard's Introduction, extracts from which follow:

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This volume contains a large portion of the records, reports and correspondence relating to the 100th Regiment, N. Y. S. Volunteers, which came into my hands while President of the Buffalo Board of Trade and Chairman of the War Committee during the War of the Rebellion, from July, 1862, to April, 1865. Since that time many resolutions to examine and arrange them properly, for future reference, were defeated by the cares and responsibilities of a large business, consequently the dust of nearly a generation had covered them from sight, but memory still held them dear, and in fulfillment of a sacred duty to the dead who gave their lives for the life of their country, and also to the living heroes of that distinguished regiment, these papers have been compiled for preservation, and are placed in the rooms of the Buffalo Historical Society, for examination and reference.

On these pages will be found a copy of the original "Muster-in" roll of the Regiment, the names and rank of its officers and the members of each Company, its condition from time to time during the War, from occasional regimental "Morning Reports"; brief accounts of encounters and battles with the enemy and the names of killed, wounded and missing, so far as could be obtained; correspondence, original and copies, with the Department of War, Medical Department, etc., etc., at Washington, and also with Governors of this State, regarding appointment and promotion of officers in the Regiment; also letters from and to officers and members of the "rank and file"; correspondence with ladies of the "Sanitary and Relief Society" and a copy of the original Buffalo Board of Trade "War Subscription"; the names of several hundred conscripts detailed by the Secretary of War, at the request of the War Committee; and last but not least, the "Muster-out" roll and honorable discharge of the gallant, brave and ever-to-be-remembered 100th Regiment, N. Y. S. Volunteers.

Had I supposed, during those eventful years, that any value would ever attach to the correspondence and other papers regarding the 100th Regiment, I should have been more careful of their preservation, and now I regret that many letters from private soldiers, and other communications of much interest, have been lost or mislaid, and numerous copies of my own letters, through hasty or careless copying, have become too indistinct to decipher. But I am confident that the material saved and contained in this volume will be found interesting and worthy of preservation.

The 100th Regiment was organized under an order issued by the War Department to Gen. G. A. Scroggs, dated August 19, 1861, who authorized Capt. Daniel B. Nash, of Springville, Capt. John Nicholson, Capt. Chas. E. Morse, Capt. Michael Bailey, Capt. Edwin P. Dye, Capt. Chas. H. Henshaw, Capt. Geo. Hinson, Capt. Chas. E. Rauert, Buffalo, and Capt. Lewis S. Payne,

of Tonawanda, to enlist volunteers for a regiment to be called the 100th N. Y. S. Volunteers. Recruiting was begun, and as men accumulated, companies were formed. Early in March, 1862, the Regiment, fully organized and numbering 960 rank and file, was ordered to New York, where, after being furnished with arms, it proceeded to Washington and entered upon the severe trials of a soldier's life, to which the pages of this book in some slight degree, bear evidence.

In this connection it is unnecessary to more than briefly allude to the antecedents of the Buffalo Board of Trade.

As a strictly commercial institution, from its formation in 1844, it had always sustained a high character for broad and generous views in promoting all public measures, favorably affecting the interests, not only of the City of Buffalo, but also of the State of New York, her great avenues of traffic, the commerce of the lakes and the producing States tributary thereto. In all projects and undertakings of this nature, the efforts of its members were liberal and untiring. In appeals to their patriotism, sympathy or benevolence they were ever ready to respond with characteristic generosity.

The first rebel shot against the walls of Sumter, followed by the most daring and defiant outrages, surprised and aroused the loyal heart of the country. The members of the Buffalo Board of Trade were not tardy in manifesting their patriotism from time to time during the early stage of the rebellion, by many spontaneous and liberal contributions in aiding and equipping different military organizations, and assisting sanitary and relief societies in their noble work of furnishing necessary supplies for the sick and wounded soldiers, in hospitals and in the field. The aggregate sum given in this way amounted to many thousands of dollars. Demands of this nature were frequent, and the members of the Board saw the necessity for raising a large fund specially for war purposes, to be placed in the hands of a committee to dispense in their discretion to the best advantage. A subscription was at once started, and responded to with patriotic enthusiasm, which soon reached a sum of about \$23,000, which was promptly paid. It is but just to say that the amount donated at different times during the War by the members of the Buffalo Board of Trade, although comparatively few in number, did not fall short of \$50,000.

On announcement of the success of the subscription, a meeting of the Board was called, and after some spirited speeches, the following named members were appointed a "War Committee," viz., J. M. Richmond, L. K. Plympton, C. J. Mann, S. J. Holley, S. W. Howell, E. S. Prosser, D. S. Bennett, A. G. Williams, J. G. Deshler, and the president, G. S. Hazard, who was appointed treasurer of the fund and chairman of the committee. The question as to the disposition of the fund then arose. In considering the subject, after some discussion, the attention of the committee was directed to the gallant conduct, in the terrific battle of Fair Oaks, of the 100th Regiment, consisting of raw and inexperienced volunteers, scarcely three months from

their homes; how like veterans they stood up in a tornado of shot and shell almost to annihilation. Its losses in this initiatory engagement in killed, wounded, and missing, amounting to nearly fifty per cent. of the original roll, aroused in the Board of Trade the most intense sympathy and profound admiration for the gallant and fearless heroism exhibited by this regiment. The situation of the 100th at that time, suffering under the loss of the brave Colonel Brown, and many gallant officers and men, reduced to a mere wreck of its former condition, the roll numbering but 451 rank and file, out of 960, its original number, was truly deplorable and involved an emergency endangering its very identity and existence as a regiment, and doubtless without aid by prompt and ample re-enforcement of men, would have resulted in disbandment and consolidation with other corps.

The Board of Trade Committee, on considering the facts before them, no longer hesitated, but at once embraced the favorable opportunity which the unfortunate condition of the Regiment presented. The committee made their report to the full Board "on Change" July 29, 1862, recommending the adoption of the 100th Regiment, N. Y. S. Volunteers, and that the recruiting of men to fill its ranks be commenced without delay. The report of the committee was received with cheers by the members of the Board, and without hesitation unanimously adopted. It was also "resolved that an appropriate flag be procured and presented to the Regiment." The President of the Board immediately addressed a letter to Major Otis of the 100th Regiment, informing him that the Board of Trade, by a unanimous vote, had resolved to adopt the 100th and to take immediate measures to enlist men to fill its ranks. This letter was read to the Regiment on dress parade, and responded to by resolutions of thanks.

The assurance of sympathy from good friends at home who were willing and ready to help them out of their troubles, inspired new hope and imparted fresh vigor and resolution to the Regiment. The War Committee without delay, established a recruiting station, and with a few active agents, an enlistment of volunteers began in earnest. Many good strong men were obtained, and as the proper papers were executed, they were forwarded to the Regiment in squads of thirty or more.

During this period the 100th was without a Colonel, and the question of selection from names proposed was not a little embarrassing to the committee. On application to Gov. Morgan, he suggested the name of Capt. George B. Dandy, of the U. S. Army, who had been highly recommended to him as an experienced and accomplished officer. The committee were disposed to make further inquiry, and the president and one other member went to Albany, and after consultation with the Governor and obtaining all necessary information in regard to Capt. Dandy's qualifications for the position, he was, at their request, duly commissioned Colonel of the 100th Regiment. It is proper to add that Capt. Dandy, after a thorough military education, had served for some eight years in the regular army, part of the time in Florida, also in

California, and later as captain on General McClellan's staff; and was nominated for the "brevet of major" for brave conduct in the battle of Malvern Hill.

At this conference with the Governor it was distinctly arranged that all appointments of commissioned officers in the 100th Regiment should be made only on the recommendation of the executive officer of the Board of Trade and War Committee, the appointments to be confined solely to those whose merit and soldierly qualifications entitled them to promotion. This arrangement was strictly adhered to and tended to suppress all political influence and favoritism. Some mistakes may have been made, but mainly the appointments and promotions were well deserved.

Col. Dandy, on taking command, found the Regiment possessed of a true spirit of patriotism and indomitable fighting qualities, but like nearly all of our volunteer troops, at that early period of the War, deficient in the practical training necessary to qualify a soldier for intelligent active service in the presence of the enemy. How well Col. Dandy succeeded, and how well the Regiment profited by his instructions in establishing a strict military discipline and encouraging that *morale* so necessary on the field of battle, these records of the Regiment testify.

During the latter part of 1862 and early in 1863 the Regiment often changed location, and in April pitched its tents at Coles Island, S. C., then on Folly and afterward on Morris Island, where their morning and evening gun reminded their Rebel neighbors in the strongholds about Charleston, that the "Yankees" had come to stay. The condition of the Regiment at that time was excellent in discipline and strength, the roll showing about nine hundred strong. Full accounts of the severity of the service on Morris Island and of the losses sustained by the Regiment, not only by the constant dropping of shot and shell in and about the camp, but in the repeated and deadly attacks on the fortifications in that vicinity, will be found in these pages. During the long siege of Charleston and in the perilous assaults on Fort Wagner, the 100th underwent constant depletion. In one of these fatal attempts the color-bearer, Sergt. Flanders of Co. A, with the flag presented by the Board in his hand, was killed on the rampart, but the flag was valiantly rescued and brought off in a dilapidated condition, by Corporal Spooner of the same Company.

A new flag was suggested and the Board promptly complied in sending one of great elegance, richly embroidered with the names of the battles in which the Regiment had gained marked distinction, and with stars and stripes so brilliant that the enemy could not mistake its character. The flag reached the Regiment January 10, 1863, and was presented by Chaplain Linn in an eloquent address and gracefully accepted by Major Nash.

The Regiment, now again reduced in numbers, required more men, and as it was very difficult to procure recruits in the busy fall season of 1863, a letter was addressed to the Hon. Edwin M. Stanton, Secretary of War, explaining

the situation and necessities of the Regiment, to which the War Department replied by ordering a detail of one hundred and fifty-two conscripts, about half the number required, which reached the Regiment late in October.

During the following winter Col. Dandy, Lieuts. Stowits, Sandrock and others came to Buffalo, and with the assistance of the War Committee succeeded in enlisting quite a number of men at high bounties.

The campaign in Virginia, beginning early in the season of 1864, was unparalleled in activity and violence. It is unnecessary in this Preface to detail the severe and bloody conflicts, such as Drury's Bluff, Deep Bottom, Petersburg, Hatcher's Run and others in which the 100th suffered so severely that more men were required to fill the ranks.

The War Committee, having since August, 1862, enlisted and sent to the Regiment some five hundred or more men and discontinued recruiting, found great difficulty in procuring recruits even at high bounties.

The President of the Board again appealed to the Secretary of War, setting forth the valiant services of the 100th Regiment, their recent losses in battle, the necessity of re-enforcement and the unsuccessful efforts of the Board of Trade in obtaining men in Buffalo. The Secretary replied favorably to the request by detailing two hundred and two conscripts which reached the Regiment in October, 1864.

Let us now look at the numerical standing of the Regiment at different periods. On leaving Buffalo in March, 1862, there were on the muster-roll the names of nine hundred and sixty men, rank and file. After the battle of Fair Oaks in May following there were, according to the best information, only four hundred and fifty-one men in the Regiment. On November 7, after the adoption by the Board, there were eight hundred and eighty-nine in all. On December 20, 1862, there were on the roll nine hundred and eighty-four rank and file, each company having ninety-eight men.

On March 8, 1863, by the official report, there were eight hundred and seventy-six rank and file.

#### RECAPITULATION.

Original number of the regiment, . . . . .	960
Total number recruited and sent to the regiment by Board of Trade, . . . . .	511
Conscripts detailed by the War Department, October, 1863, . . . . .	152
Conscripts detailed by the War Department, October, 1864, . . . . .	202
Total number of men, . . . . .	1,825

By this statement it appears that during the time of its service the Regiment required nearly as many men as were on the original roll to supply the losses caused by the usual casualties of war. While many were incapacitated by diseases common to all men, a much larger number were killed or disabled by wounds received in battle. Those unfit for duty by disease or wounds were sent to the nearest hospital to take their chance with hundreds of others, frequently in over-crowded rooms, to be cared for by over-worked attendants. It is not surprising that the poor fellows soon became discouraged and home-

sick; they wrote letters to the Board begging to be sent to Buffalo or some place near their homes.

Applications were made to the proper medical departments and repeated until scores of the 100th's men were sent to the hospitals at Buffalo where their friends could reach them. Letters from widows and wives of disabled men wanting help for their suffering families were frequently received, to all of which the War Committee gave proper attention and relief.

On the 1st day of February, 1865, the Board of Trade gave a public reception to about one hundred and seventy veterans of the Regiment, who had passed through many hard-fought battles victoriously, whose term of three years' service had expired. The room was tastefully decorated with flags, conspicuous among them being the old banner presented to the Regiment in 1862, eloquent in its tattered condition; a sacred memento of the gallant courage of the men who defended it even unto death.

After an address by the President and a substantial repast, hearty cheers were given for the old flag and the Board of Trade, and with fervent hand-shaking and good wishes the meeting adjourned.

The quiet of the Regiment's winter encampment before Richmond was broken early in the spring and with the army it was again on the march to new fields of victory. After several sharp engagements the Regiment fought its last battle in taking a prominent part in the assault and capture of Fort Gregg, but unfortunately suffered from the loss of officers and men, among the number killed being the gallant and much lamented Major James H. Dandy, at that time in command of the Regiment, who fell at the moment of victory.

The rebel army, after four years of unequalled sanguinary conflict in which a constant succession of defeats had sapped its life-blood, now began to manifest decided evidence of weakness, and as the stupendous combinations of Grant were more distinctly revealed, all hope in the hearts of the leading spirits of the sham Confederacy was abandoned, and the War culminated by a general surrender at Appomattox in April, 1865, when the baseless fabric of rebellion went down with a crash never to rise again.

And now we may ask, What are the results of this great war on which the nations of the civilized world gazed with wonder and astonishment. A million of human lives were sacrificed and thousands of millions of treasure lost, but in the providence of Almighty God the infamous curse of slavery which for generations had remained a blot upon the escutcheon of a free country, was, by an inevitable sequence, swept away forever. The doubtful and often disputed problem of the permanence of a Constitutional Republic has been solved for all time, showing by a living example to all nations of the world, that the people are not only capable of governing themselves but fully competent to create and perpetuate the best form of government, "of the people and for the people," that the world has ever known.

Furthermore, the power, resources, inflexible courage and superior military qualifications so suddenly developed on both sides in the late war, practically

demonstrate the ability of the country to take care of itself under any emergency which is ever likely to occur.

The heavy clouds of war which so long hung over us are dispersed, and peace and prosperity, under a wise and beneficent Government, are assured to all. May we not hope, and soon realize that reconciliation and friendly intercourse, which already seem largely established in the hearts of those recently engaged in deadly strife, will so increase that the imaginary lines of North and South will become blended and forgotten, and the people firmly united in the bonds of a common nationality, kindred and interest, will remain for all time a free and independent nation.

For all the blessings of peace let us give fervent thanks to Him the Supreme Ruler of the universe, Whose hand directs the destiny of nations; and to those men who, inspired with a brave and noble patriotism, gave up all, even their lives, to preserve the existence and integrity of the Constitution and the laws of their beloved country.

To them, the noble and patriotic dead, and the living heroes, may the hearts of a generous and loyal nation, to the latest posterity, ever turn in grateful remembrance.

In the compilation of this volume I am under obligations to the following-named gentlemen:—To Brig'r Gen'l George B. Dandy, for his interesting pages of reminiscences of the War and of the 100th Regiment which he so ably and successfully commanded; also for a copy of the "Muster-out" roll of the Regiment procured from the War Department in Washington, and much other valuable matter.

To Major George H. Stowits, for his historic sketches of the 100th Regiment, in which he received promotion from the ranks for distinguished services, also for a copy of the original "Muster-in" roll of the Regiment and that of the field and staff officers, dates of commission, rank, etc. A finely executed map (by his own hand) of the harbor of Charleston, S. C., and its celebrated islands, also an exceedingly interesting paper on the exploits of the famous, intrepid and heroic "Scout," Captain (subsequently) Lieut. Col. Lewis S. Payne, now residing at Tonawanda.

To Capt. George Barnum, for his graphic description of the deadly assault on Fort Wagner in which he valiantly gained merited promotion.

To Major Edward L. Cook, for his pages of interesting and cheerful touches of camp life during three years of arduous service in which he gained honorable promotion.

To Lieut. Alfred Lyth, for a copy of his thrilling narrative of cruelty and suffering while a prisoner of war in the rebel "stockade pens" of Andersonville and Florence.

To Lieut. Col. Charles E. Walbridge, for a copy of his eloquent address at a reunion of the old members of the 100th Regiment in July, 1887—an exceedingly interesting review of the 100th from its organization to the close of the War.



I am also indebted to Capt. Charles E. Rauert, for a copy of his excellent address, as President of the 100th Regiment Veteran Association, at the reunion in July, 1888.

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#### THE DR. JOS. C. GREENE COLLECTION.

Conspicuous among the many treasures which the Buffalo Historical Society has gathered in recent years is a valuable collection of some 300 originals and casts of Egyptian, Syrian and Assyrian antiquities. These, with miscellaneous articles—English armor of the XVIth Century, coins of many nations, oriental curios, etc.,—were procured for the Society by Dr. Joseph C. Greene during a tour around the world. Well arranged and labeled, the Greene Collection is one of the strongest attractions of the Society's museum. Conspicuous in the collection is an Egyptian mummy, certified to be that of a high priest of Thebes. The richness of the wrappings and the decorations of the finely preserved sarcophagus, lend probability to the claim. The mummy is supposed to be about 3,500 years old. There are also shown a pair of sandals found with it when the tomb was opened. A mummied cat and a large number of genuine Egyptian relics are in the collection.

Of chief value to the student, however, are the fine casts of famous tablets, stones, statues, etc., of which the priceless originals are preserved, some in the Museum at Boulak, others in the British Museum or at the Louvre. In this department the following-named are noteworthy: Two stone tablets, bearing cuneiform inscriptions, being grants of land by one of the Kings of Babylon; a beautiful papyrus "Book of the Dead," seventy-six feet long, with a translation; the Sargon Stone, from Babylon, giving a history of Sargon, first King of Agada, Assyria, B. C. 3,800; the Siloam Tablet, discovered in 1881, at Jerusalem, bearing an inscription in Phœnician, giving the history of the excavations between the Virgin Spring and Pool of Siloam, 700 years before Christ; two Babylonian seals, one of Darius the Great; statues of the Egyptian god Osiris and goddess Isis; the upper half of a statue of Rameses II., who oppressed the Children of Israel; the "Moabite Stone," from the Land of Moab, discovered in 1868, bearing an inscription in honor of King Mesha, giving, from a Moabitish point of view, an account of the struggles of that nation with Israel, nearly 900 years before the Christian Era; the Babylonian sun-god tablet; the "Black Obelisk," from Assyria, recording on its four faces, both by pictorial representation and by inscriptions, the annals of thirty-two years of Shalmaneser's reign, and twenty-five successful campaigns against the nations bordering on the Assyrian Empire; a tablet bearing the Chaldean account of the Deluge; the "Rosetta Stone," an admirable replica of the famous slab of black basalt found near Rosetta in Egypt in 1799, and now preserved at the British Museum. This stone, it will be remembered, bears in triplicate a decree promulgated by the Egyptian priesthood of Memphis in 195 B. C. in

honor of Ptolemy V. Epiphanes. The text, in uncial Greek, hieroglyphic and enchorial characters, gave to the modern world the key to Egyptian hieroglyphic inscriptions.

As a whole, the Greene Collection represents not merely generous expenditure by a former president and constant friend of the Society, but admirable discrimination in the selection of objects. By means of it, the Society offers free advantages to the student of archæology, language, and ancient history, to be found in but few places in this country, none of them near Buffalo.



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